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TITLE 8—ALIENS AND CITIZENSHIP CHAPTER I—IMMIGRATION AND NATURALIZATION SERVICE

[General Order No. C-27]

NEW REGULATIONS GOVERNING PREEXAMINATION OF ALIENS WITHIN THE UNITED STATES

DECEMBER 31, 1940.

Pursuant to the authority contained in section 23 of the Act of February 5, 1917 (39 Stat. 892; 8 U.S.C. 102); section 24 of the Act of May 26, 1924 (43 Stat. 166; 8 U.S.C. 222); section 1 of Reorganization Plan No. V (5 F.R. 2223); section 37 (a) of the Act of June 28, 1940 (54 Stat. 675; 8 U.S.C. 458), and section 90.1, Title 8, Code of Federal Regulations (5 F.R. 3503), there are hereby promulgated and published as Part 17 of said Title 8, Code of Federal Regulations, the following regulations governing preexamination of aliens within the United States, which shall be effective January 20, 1941.

PART 17—PREEXAMINATION OF ALIENS WITHIN THE UNITED STATES

- Sec.
- 17.1 Preexamination; who may apply.
 - 17.2 Preexamination; aliens eligible.
 - 17.3 Preexamination; conditions of authorization.
 - 17.4 Preexamination; authorization; where deportation proceedings have been instituted.
 - 17.5 Preexamination; authorization; where deportation proceedings have not been instituted.
 - 17.6 Preexamination; applications; how filed.
 - 17.7 Preexamination; applications; notification of authorization.
 - 17.8 Preexamination; place and time.
 - 17.9 Preexamination; documents to be presented.
 - 17.10 Preexamination; medical examination.
 - 17.11 Preexamination; primary inspector.
 - 17.12 Preexamination; Board of Special Inquiry.
 - 17.13 Preexamination; where alien found unqualified.
 - 17.14 Preexamination; where alien found inadmissible.

- Sec.
- 17.15 Preexamination; appeal by dissenting inspector.
 - 17.16 Preexamination; where alien found admissible.
 - 17.17 Preexamination; readmission with immigration visa.
 - 17.18 Preexamination; readmission without immigration visa.
 - 17.19 Preexamination; reports.
 - 17.20 Preexamination; repeal of prior regulations and instructions.

§ 17.1 *Preexamination; who may apply.* Any alien, other than a Canadian citizen, who has been within the United States for a period of six months or more and who intends to apply to a consular officer of the United States in Canada for an immigration visa for entry into the United States for permanent residence may, subject to the provisions of this Part, apply for the privilege of a preexamination by officers of the Immigration and Naturalization Service for the purpose of determining in advance his admissibility into the United States for permanent residence when in possession of an unexpired immigration visa.*

*§§ 17.1 to 17.20, inclusive, issued under the authority contained in sec. 23, 39 Stat. 892, 8 U.S.C. 102; sec. 24, 43 Stat. 166, 8 U.S.C. 222; sec. 1, Reorg. Plan No. V, 5 F.R. 2223; sec. 37 (a), 54 Stat. 675, 8 U.S.C. 458; 8 CFR 90.1. Statutes interpreted or applied and statutes giving special authority are listed in parentheses at the end of specific sections.

§ 17.2 *Preexamination; aliens eligible.* Preexamination shall not be authorized unless it appears to the officer granting such authorization that the alien is:

- (a) admissible to Canada;
- (b) of good moral character;
- (c) not within the classes listed in section 19 (d) of the Immigration Act of 1917, as amended;
- (d) registered and/or fingerprinted as required by the Alien Registration Act, 1940; and
- (e) able to obtain the prompt issuance of an immigration visa in case it is determined that he is admissible to the United States for permanent residence.* (Sec. 19 (d), 54 Stat. 671, 8

CONTENTS

RULES, REGULATIONS, ORDERS

TITLE 8—ALIENS AND CITIZENSHIP:	
Immigration and Naturalization Service:	Page
Arrest and deportation of aliens	68
Preexamination of aliens within the United States ..	65
TITLE 17—COMMODITY AND SECURITIES EXCHANGES:	
Securities and Exchange Commission:	
Investment Company Act of 1940:	
Annual reports	74
Temporary exemption from affiliation	74
Public Utility Holding Company Act, exemptions for officers and directors of operating companies	74
Securities Exchange Act of 1934, registration rules ..	73
TITLE 22—FOREIGN RELATIONS:	
Department of State:	
Loss of nationality:	
Certification of loss	76
Formal renunciation	75
Issuance of certificates	76
TITLE 30—MINERAL RESOURCES:	
Bituminous Coal Division:	
Temporary and conditional final relief, minimum price schedules for:	
District No. 3	78
District No. 7	79
District No. 8	79
TITLE 32—NATIONAL DEFENSE:	
Selective Service System:	
Duplicate registration certificates	81
TITLE 46—SHIPPING:	
Bureau of Marine Inspection and Navigation:	
Able seamen	95
General rules and regulations, amendments	81

(Continued on next page)



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CONTENTS—Continued

TITLE 49—TRANSPORTATION AND RAILROADS:

Interstate Commerce Commission:	Page
Organization schedule and assignment of work and functions, amendment.....	103
Steam roads, amendments to uniform system of accounts (2 documents).....	95, 96
Tariff Circular No. 21, contract carriers by water.....	96
Tariff Circular No. 22, common carriers by water.....	98
Tariff Circular No. 23, common carriers by water (through water-rail transportation).....	103

NOTICES

Department of Commerce:	
Civil Aeronautics Authority:	
Hearings:	
Kidd, Raymond Lee.....	110
Pan American Airways Co.....	111
Department of the Interior:	
Bituminous Coal Division:	
Hearings, memorandum opinions, and temporary relief:	
Caprock Fuel Co.....	108
Consumers' Counsel Division.....	109
District Board No. 1.....	110
Lockview Coal Co.....	109
Oates, Harry.....	110
Department of Labor:	
Wage and Hour Division:	
Jewelry manufacturing industry, minimum wage hearing.....	111
Federal Power Commission:	
Home Gas Co., hearing postponed.....	113
Navy Department:	
Contract summaries:	
Bethlehem Steel Co.....	108
Kelsey-Hayes Wheel Co.....	108

CONTENTS—Continued

Securities and Exchange Commission:	Page
California Public Service Co., et al., amendatory order.....	115
Investors Syndicate, et al., hearing and temporary exemption.....	114
Northern States Power Co. (Delaware), interim order.....	113
Southern Pacific Golden Gate Co., hearing postponed.....	114

U.S.C. 155 (d); Title III, Alien Registration Act, 1940, 54 Stat. 673; 8 U.S.C. 451-460, inclusive)

§ 17.3 *Preexamination; conditions of authorization.* Preexamination shall only be authorized on condition that the alien shall promptly submit to the United States consul to whom he intends to apply for a visa the necessary documents in support of his visa application and shall receive from the consular officer, prior to preexamination, written assurance that such documents appear sufficient and satisfactory on their face and that a visa will be promptly available for issuance to the alien if, upon personal examination by the consul, he is found to be eligible therefor.*

§ 17.4 *Preexamination; authorization; where deportation proceedings have been instituted.* The Board of Immigration Appeals shall have authority, subject to the provisions of § 90.12 of this title, to authorize preexamination of any alien eligible under the provisions of this Part against whom deportation proceedings are pending and to whom the privilege of departure at his own expense in lieu of deportation has been granted in accordance with the provisions of Section 19 (c) of the Immigration Act of 1917, as amended.* (Sec. 19 (c), 54 Stat. 671; 8 U.S.C. 155 (c))

§ 17.5 *Preexamination; authorization; where deportation proceedings have not been instituted.* The Chief of the Certifications Branch (or under his direction, the Assistant Chief of the Certifications Branch) shall have authority, subject to the provisions of § 90.16 of this title, to authorize preexamination of any alien eligible under the provisions of this Part against whom deportation proceedings have not been instituted.*

§ 17.6 *Preexamination; applications; how filed.* An application for preexamination shall be made in writing on the appropriate form specified in this section and shall be accompanied by General Information Form No. I-55; and both shall be filed in triplicate. An application for preexamination upon the part of an alien against whom a deportation proceeding is pending shall be made on Form No. I-255 in conjunction with an application for the privilege of departure in lieu of deportation as provided in §§ 19.6 (g) and 19.8 (b) of this title. An

application for preexamination on the part of an alien against whom no deportation proceedings is pending shall be made on Form No. I-155 and shall be filed with the Chief of the Certifications Branch, Immigration and Naturalization Service, Washington, D. C. Such application may be filed independently or in conjunction with a petition for non-quota or preference quota visa filed on the applicant's behalf pursuant to § 25.1 of this title.*

§ 17.7 *Preexamination; applications; notification of authorization.* An applicant whose preexamination has been authorized shall be notified in writing by the Central Office that such authorization has been given subject to the condition set forth in § 17.3 of this Part. Appropriate notation of such authorization shall be made upon each copy of the application. A copy of the application and General Information Form submitted in connection therewith shall then be sent to the officer in charge of the immigration office at which the applicant intends to present himself for preexamination.*

§ 17.8 *Preexamination; place and time.* The immigration office at which the alien may present himself for preexamination shall be designated in the authorization; and the preexamination shall be conducted as soon as practicable after authorization and after the alien has complied with the provisions of § 17.3 of this Part. In the event that the alien fails within a reasonable time to meet the conditions of § 17.3, or to present himself for preexamination after having done so, the officer in charge of the designated office shall report to the Central Office, and may recommend that the authorization be revoked.*

§ 17.9 *Preexamination; documents to be presented.* When presenting himself for preexamination, an alien shall produce:

(a) written notification from the Central Office that his preexamination has been authorized;

(b) written assurance from the consul to whom he intends to apply for an immigration visa that his documents appear sufficient and satisfactory on their face and that a visa will be promptly available for issuance to the alien if, upon personal examination by the consul, he is found to be eligible therefor;

(c) four photographs of himself, size 2 inches by 2 inches, the distance from the top of head to point of chin to be approximately 1¼ inches, unmounted, printed on thin paper with a light background clearly showing a full front view of the features of the alien without hat, which photographs shall have been taken within 30 days of the date when they are furnished.

(d) duplicates or facsimiles of all documents and communications furnished to the consul in connection with the application for an immigration visa.*

§ 17.10 *Preexamination; medical examination.* (a) Any alien presenting himself for preexamination shall be examined by medical officers authorized to conduct the physical and mental examination of arriving aliens under the provisions of section 16 of the Immigration Act of 1917 who shall certify for the information of the immigration officers and the Boards of Special Inquiry any and all physical or mental defects or diseases observed by such medical officers in any such alien. Any alien certified for insanity or mental defect may appeal to the board of medical officers of the United States Public Health Service as provided in Section 16 of the Immigration Act of 1917.

(b) Where the preexamination is to be conducted at a place where no officers of the United States Public Health Service are detailed for the purpose, a certificate from a civil physician of not less than four years professional experience, preferably one designated by the United States Public Health Service or Veterans Administration, may, in the discretion of the officer in charge, be accepted. The officer in charge shall note in writing on the face of the certificate his approval of such acceptance.* (Sec. 16, 39 Stat. 885; 8 U.S.C. 152)

§ 17.11 *Preexamination; primary inspector.* The preexamination shall be conducted in the first instance by an immigrant inspector, known as the primary inspector. It shall consist of a thorough examination into the admissibility of the alien into the United States when in possession of an unexpired immigration visa. The primary inspector shall prepare in duplicate Form 548, "Manifest Data," which together with the application for preexamination, medical certificate, documents required in § 17.9 of this Part, and other pertinent documents presented, shall constitute the record in the case. If the primary inspector is not satisfied that the alien is clearly and beyond a doubt entitled to admission when in possession of an unexpired visa, he shall certify the record to the officer in charge of the office with a recommendation that a Board of Special Inquiry be convened.*

§ 17.12 *Preexamination; Board of Special Inquiry.* A Board of Special Inquiry may be convened at any immigration office whenever necessary to determine the admissibility of an alien when such determination is requested by a primary inspector in preexamination proceedings. The appointment and procedure of such Boards of Special Inquiry shall be governed by section 17 of the Immigration Act of 1917 and by Part 12 of this title. The Board of Special Inquiry shall enter, as an exhibit in its record, the entire record before the primary inspector and shall conduct whatever further examination is necessary to determine the alien's admissibility into the United States.* (Sec. 17, 39 Stat. 887; 8 U.S.C. 153)

§ 17.13 *Preexamination; where alien found unqualified.* In all preexamination proceedings the primary inspector or the Board of Special Inquiry, as the case may be, shall first inquire into the question of whether or not the alien is qualified for preexamination under the provisions of §§ 17.1 and 17.2 of this Part. If it shall appear that the alien is not entitled to the privilege of preexamination, further examination shall be suspended and the record transmitted to the Central Office accompanied in appropriate cases by an application for a warrant of arrest.*

§ 17.14 *Preexamination; where alien found inadmissible.* Where an alien is held inadmissible by a Board of Special Inquiry in preexamination proceedings (for cause other than the lack of unexpired immigration visa) the alien may appeal from the decision to the Board of Immigration Appeals and further proceedings shall be had in accordance with the provisions of Part 90 of this title: *Provided, however,* That the decision of a Board of Special Inquiry shall be based upon the certificate of the examining medical officer and, except as provided in section 21 of the Immigration Act of 1917, shall be final as to the rejection of aliens afflicted with tuberculosis or with a loathsome or dangerous contagious disease, or with any mental or physical defect which would bring such aliens within any of the classes excluded from admission to the United States under section 3 of that Act.* (Secs. 3 and 21, 39 Stat. 875, 891; 8 U.S.C. 136, 158)

§ 17.15 *Preexamination; appeal by dissenting inspector.* When an alien is found by a Board of Special Inquiry to be admissible to the United States when in possession of an unexpired immigration visa, a dissenting inspector may appeal from such decision to the Board of Immigration Appeals and further proceedings shall be had in accordance with the provisions of Part 90 of this title. In the event of an appeal by a dissenting inspector no further proceedings shall be taken in the case pending the outcome of the appeal.*

§ 17.16 *Preexamination; where alien found admissible.* An alien found in preexamination proceedings to be admissible to the United States when in possession of an unexpired immigration visa shall be furnished with a sealed communication to the Canadian immigration officer in charge of the Canadian port at which he intends to apply for admission to Canada, and with a Border Crossing Card Form No. I-165, bearing a photograph and description of the alien and valid for a single reentry to the United States if the alien is admitted to Canada within four months from the date of issuance specified on the card. The letter to the Canadian officer shall state the purpose of the alien's visit; shall guarantee that the alien, if admitted to Canada while in possession of an unexpired Border

Crossing Card, will be readmitted to the United States; and shall have the alien's photograph securely attached. The Border Crossing Card issued to the alien shall be taken up by the United States immigration officer at the port of reentry to the United States. If reentry is to be made at a place other than that where the preexamination was conducted, Form 548 in duplicate, a copy of the Canadian letter, and duplicate copy of the Border Crossing Card with photograph attached, shall be sent to the port of proposed reentry prior to the alien's departure to Canada.*

§ 17.17 *Preexamination; readmission with immigration visa.* Any alien found admissible in preexamination proceedings to whom an immigration visa has been issued shall be admitted to the United States for permanent residence upon presentation of such visa and of his Border Crossing Card, unless for reasons developed subsequently to the preexamination it shall appear that he is inadmissible in which event he shall be permitted to reenter for the sole purpose of being taken into custody by the immigration officers at the port of reentry who shall make a record of such limited reentry and at once apply to the Central Office for a warrant of arrest in deportation proceedings.*

§ 17.18 *Preexamination; readmission without immigration visa.* Any alien found admissible in preexamination proceedings to whom an immigration visa has been thereafter denied shall be permitted to reenter the United States at the designated port of reentry upon presentation of his Border Crossing Card; but such alien, if not in possession of documents authorizing his temporary residence in the United States, shall be taken into custody by the immigration officers at the port of reentry who shall make a record of such limited reentry and at once apply to the Central Office for a warrant of arrest in deportation proceedings.*

§ 17.19 *Preexamination; reports.* The port of reentry shall inform the Canadian officers in charge at the port of entry into Canada as to the readmission of all aliens admitted pursuant to the provisions of this Part.*

§ 17.20 *Preexamination; repeal of prior regulations and instructions.* All regulations, rules and instructions heretofore issued which are inconsistent with this Part are hereby repealed; *Provided, however,* That such repeal shall not affect any proceedings or parts of proceedings which have taken place prior to the effective date of this Part as here promulgated.*

HENRY M. HART, JR.,
Special Assistant to the Attorney
General in charge pro tem Immigration and Naturalization Service.

Approved:

ROBERT H. JACKSON,
Attorney General.

[F. R. Doc. 41-57; Filed, January 2, 1941;
3:11 p. m.]

[General Order No. C-26]

NEW REGULATIONS GOVERNING THE ARREST
AND DEPORTATION OF ALIENS

DECEMBER 31, 1940.

Pursuant to the authority contained in section 23 of the Act of February 5, 1917 (39 Stat. 892; 8 U.S.C. 102); section 24 of the Act of May 26, 1924 (43 Stat. 166; 8 U.S.C. 222); section 1 of Reorganization Plan No. V (5 F.R. 2223); section 37 (a) of the Act of June 28, 1940 (54 Stat. 675; 8 U.S.C. 458), and § 90.1, Title 8, Chapter I, Code of Federal Regulations (5 F.R. 3503), the following regulations are hereby promulgated as Part 19 of said Title 8, Chapter I, Code of Federal Regulations (Rule 19, Immigration Rules and Regulations of January 1, 1930, Edition of December 31, 1936) effective January 20, 1941.

PART 19—ARREST AND DEPORTATION

Sec.

- 19.1 (a) Investigation of aliens reported, or believed, to be subject to deportation.
- (b) Investigations; purpose.
- (c) Investigations; interrogation of aliens under investigation.
- (d) Investigations; refusal to make recorded statement under oath or affirmation.
- (e) Investigations; anonymous information.
- (f) Investigations; extent of interrogation.
- 19.2 (a) Applications for warrants of arrest.
- (b) Applications for warrants of arrest; verification of landing.
- (c) Applications for warrants of arrest; criminal cases.
- (d) Applications for warrants of arrest; public charge cases.
- (e) Telegraphic applications for warrants of arrest.
- 19.3 Issuance of warrants of arrest.
- 19.4 (a) Execution of warrant of arrest.
- (b) Execution of warrant of arrest; notice to alien of right to counsel and release under bond.
- (c) Execution of warrant of arrest; identification card to be lifted when alien arrested.
- 19.5 (a) Custody of arrested aliens; release on bond or personal recognizance.
- (b) Custody of arrested aliens; removal from institutions.
- (c) Custody of arrested aliens; detention of females; special treatment.
- (d) Custody of arrested aliens; cost of maintenance pending deportation.
- 19.6 (a) Hearing; when to be accorded under warrant.
- (b) Hearing; presiding inspector to be other than investigating officer.
- (c) Hearing; procedure; notice of charges.
- (d) Hearing; representation by counsel.
- (e) Hearing; where representation by counsel waived.
- (f) Hearing; interpreters.
- (g) Hearing; application for departure in lieu of deportation or for suspension of deportation.
- (h) Hearing; order in which evidence shall be presented.
- (i) Hearing; use of statements or admissions made during investigation.
- (j) Hearing; record to contain personal history.
- (k) Hearing; physical or mental disability cases; record to contain medical certificate.
- (l) Hearing; additional charges.
- (m) Hearing; alien to be warned of disabilities respecting re-entry to the United States.
- (n) Hearing; assignment of examining inspector in addition to presiding inspector; duties of inspectors.

Sec.

- 19.7 (a) Proposed findings, conclusions and order; preparation by presiding inspector.
- (b) Proposed findings, conclusions and order; eligibility for departure in lieu of deportation or for suspension of deportation.
- (c) Proposed findings, conclusions and order; proposed order.
- (d) Proposed findings, conclusions and order; service of findings of presiding officer.
- (e) Proposed findings, conclusions and order; filing of exceptions.
- 19.8 (a) Reopening the hearing.
- (b) Reopening the hearing; applications for departure in lieu of deportation or for suspension of deportation.
- 19.9 Forwarding record to Central Office.
- 19.10 Special procedure; application by an alien prior to arrest for suspension of deportation.
- 19.11 (a) Special deportation procedure as to recent illegal entrants; classes.
- (b) Special deportation procedure as to recent illegal entrants; investigations and applications for warrants of arrest.
- (c) Special deportation procedure as to recent illegal entrants; issuance and execution of warrants of arrest; release or detention of alien.
- (d) Special deportation procedure as to recent illegal entrants; hearing and procedure thereunder.
- (e) Special deportation procedure as to recent illegal entrants; disposition of record; issuance of warrant of deportation.
- (f) Special deportation procedure as to recent illegal entrants; review of deportation order.
- 19.12 (a) Execution of warrant of deportation; taking an alien into custody.
- (b) Execution of warrant of deportation; aliens confined in penal institutions.
- (c) Execution of warrant of deportation; aliens discharged from United States Narcotic Farms.
- (d) Execution of warrant of deportation; departure at alien's expense.
- (e) Execution of warrant of deportation; stay of deportation by the officer in charge.
- 19.13 (a) Deportation; manner of.
- (b) Deportation; to foreign contiguous territory.
- 19.14 Repeal of prior regulations and instructions.

§ 19.1 (a) *Investigation of aliens reported, or believed, to be subject to deportation.* The case of every alien reported, or believed, to be subject to arrest and deportation, shall be thoroughly investigated by such officer as may be designated for that purpose.

(b) *Investigations; purpose.* The purpose of the investigation shall be to discover whether or not a prima facie case for deportation exists; that is, whether there is credible evidence reasonably establishing (1) that the person investigated is an alien, and (2) that he is subject to deportation.

(c) *Investigations; interrogation of aliens under investigation.* All statements secured from the alien or any other person during the investigation, which are to be used as evidence, shall be taken down in writing; and the investigating officer shall ask the person interrogated to sign the statement. Whenever such a recorded statement is to be obtained from any person, the investigating officer shall identify himself to such person and the interrogation of

that person shall be under oath of affirmation. Whenever a recorded statement is to be obtained from a person under investigation, he shall be warned that any statement made by him may be used as evidence in any subsequent proceeding.

(d) *Investigations; refusal to make recorded statement under oath or affirmation.* Whenever, in the course of an investigation, admissions or statements are obtained from an alien or statements are made by any other person which indicate that the alien may be subject to arrest and deportation, but the alien or other person refuses to make a recorded statement under oath or affirmation or refuses or is unable to sign the recorded statement by name or by mark, the investigating officer shall make a report in writing to the officer-in-charge, setting forth the facts admitted or stated as to the alien's status under the immigration laws. This report may be used in support of an application for a warrant of arrest, when the investigating officer certifies that no other evidence to establish the facts stated in the report can be readily obtained. Statements obtained in confidence may be included in such report, without disclosure of their source, only if the officer in charge certifies that in his belief such statements are trustworthy.

(e) *Investigations; anonymous information.* Information received from a person whose name or address is not disclosed to the investigating officer or is known or appears to be fictitious shall not be used to support an application for a warrant of arrest. Such information shall be used only as a guide to obtaining competent evidence to support the facts alleged.

(f) *Investigations; extent of interrogation.* Where an alien under investigation, after reasonable questioning, makes no admissions which bring him within a deportable class, interrogation shall cease, and the investigating officer, if he still believes that the alien is subject to deportation, shall attempt to secure from other sources the necessary evidence.*

*§§ 19.1 to 19.14, inclusive, issued under the authority contained in sec. 23, 39 Stat. 892, 8 U.S.C. 102; sec. 24, 43 Stat. 166, 8 U.S.C. 222; sec. 1, Reorg. Plan No. V, 5 F.R. 2223; sec. 37 (a), 54 Stat. 675, 8 U.S.C. 458; 8 CFR 90.1 Statutes interpreted or applied and statutes giving special authority are listed in parentheses at the end of specific sections.

§ 19.2 (a) *Applications for warrants of arrest.* Whenever it is found, after preliminary investigation, that a prima facie case for the deportation of an alien exists, application for a warrant of arrest shall be made. The application shall be in writing, shall set forth the grounds upon which it is made and shall be accompanied by the supporting evidence and, if available, by the alien's registration number under the Alien Registration Act, 1940.

(b) *Applications for warrants of arrest; verification of landing.* In all cases in which official records of an alien's arrival exist, and in which there is a time limitation as to the institution of deportation proceedings, or in which knowledge of the time, place and manner of the alien's last entry is necessary for a proper determination of the case, the application shall be accompanied by a certificate of admission obtained from the officer in charge at the port where landing occurred. Where in such cases a certificate of admission is not promptly procurable, the application for a warrant may be submitted without the certificate of admission, but the reason therefor shall be reported and the certificate forwarded as soon as obtained.

(c) *Applications for warrants of arrest; criminal cases.* Whenever an application for a warrant of arrest is based on conviction for crime in the United States, it shall be accompanied by a certified copy of the record of conviction and sentence and, if it is deemed necessary in order to establish that the crime involves moral turpitude, by a certified copy of the information, indictment or complaint, upon which the alien was convicted.

(d) *Applications for warrants of arrest; public charge cases.* Whenever an application for a warrant of arrest includes the charge that the alien has become a public charge within five years from the date of entry from causes not affirmatively shown to have arisen subsequent thereto, the application shall be accompanied by a certificate of the official in charge of the institution in which the alien is or has been confined, or if the alien is not or has not been confined, by the certificate of a responsible public official having knowledge of the facts, showing that the alien is being or has been maintained at public expense. If the alien became a public charge because of a mental or physical condition, there shall also be submitted, if available, a clinical history of the case prepared by the institution where the alien is or has been confined.

(e) *Telegraphic applications for warrants of arrest.* A telegraphic application for a warrant of arrest shall be resorted to only when there is likelihood that the alien will leave for parts unknown before a formal warrant can be obtained or when necessary to avoid undue expense to the government, as where the alien is found and the investigation is conducted at a considerable distance from the nearest immigration office. Such telegraphic application shall state the name of the alien, the grounds for deportation charged, the date and place of the alien's entry and enough of the supporting proof to enable the Central Office to exercise a judgment as to probable cause for the issuance of a warrant. The code supplied by the Central Office shall be used whenever practicable.* (Title III, Alien Registration Act, 1940; 54 Stat. 673, 8 U.S.C., 451-460, inclusive)

§ 19.3 *Issuance of warrants of arrest.* If it is determined that a prima facie case for deportation has been established, a warrant for the arrest of the alien shall be issued. Warrants of arrest may, where necessary, be transmitted to the field office by telegraph, such telegraphic warrants to be followed by the formal warrant of arrest.*

§ 19.4 (a) *Execution of warrant of arrest.* Upon receipt of a telegraphic or formal warrant of arrest, the warrant shall be served upon the alien, and he shall be taken into custody thereunder and fully advised of the cause for his arrest. Copy of the formal warrant of arrest, if arrest is accomplished thereunder, shall be furnished to the alien. Where the arrest is accomplished under a telegraphic warrant, the alien shall be fully advised of the cause for his arrest, given a decoded copy of the warrant of arrest, and furnished with a copy of the formal warrant of arrest as soon as received. If the alien is confined in a penal institution, a copy of the formal warrant shall be filed with the officer in charge of the institution. In cases of mental incompetency, or of children under sixteen years of age, a copy of the warrant shall be served upon the alien's guardian, near relative, or friend whenever possible.

(b) *Execution of warrant of arrest; notice to alien of right to counsel and release under bond.* The alien, immediately upon being taken into custody, shall be advised of his right to representation by counsel at the hearing to be held under the warrant and of the amount of bail under which he may be released from custody. Similar advice shall be given to the guardian, near relative, or friend, in cases involving mentally incompetent aliens or aliens under sixteen years of age.

(c) *Execution of warrant of arrest; identification card to be lifted when alien arrested.* If an arrested alien is found to be in possession of a border crossing identification card, such card shall be taken up and retained in the immigration office where the hearing is conducted until the final decision is made in the case.*

§ 19.5 (a) *Custody of arrested aliens; release on bond or personal recognizance.* The amount of bond under which any alien may be released will be indicated in the warrant of arrest. When the officer in charge is satisfied that a bond in a lesser amount than that stated in the warrant will insure the alien's appearance when wanted, or that the alien may safely be released on his personal recognizance, or paroled to a responsible individual or organization, he is authorized, except as hereinafter provided, to release the alien on bond in an amount less than that set in the warrant but not less than \$500, or upon the alien's personal recognizance, or upon parole to a responsible individual or organization, without first securing the approval of the Central Office. When

such action is taken the officer in charge shall make immediate report thereof in writing, through official channels, giving his reason therefor. The approval of the form and execution of the bond by the district director or officer in charge will be sufficient for the release of an alien, pending final approval of the bond by the Central Office. The sureties may justify in real estate or may deposit any public debt obligations of the United States and any bonds, notes, or other obligations which are unconditionally guaranteed as to both interest and principal by the United States, and which are not redeemable within one year from the date on which they are offered for deposit (Treasury Department Circular No. 154, revised as of February 6, 1935). The justification in real estate shall be by two owners, each in double the amount of the penalty of the bond over and above all encumbrances. A surety company authorized by the Treasury Department to transact Federal bond business shall be an acceptable surety. An alien who is serving a sentence of imprisonment for a term of one year or more upon conviction of a crime involving moral turpitude or of a violation of the narcotic laws shall not be released under bond or otherwise upon his discharge from such imprisonment unless specific authorization has been given by the Central Office.

(b) *Custody of arrested aliens; removal from institutions.* An alien confined in an institution shall not be removed therefrom, in the absence of special instructions, until a warrant of deportation has been served and the Service is completely ready to deport, except in the case of a criminal alien who has served his sentence and is subject to discharge from imprisonment.

(c) *Custody of arrested aliens; detention of females; special treatment.* Women and children under sixteen years of age shall not be incarcerated in jails or similar places by immigration officials unless such incarceration is unavoidable. If it is necessary to detain such aliens and there is not attached to the immigration station or quarters a room suitable for such purpose, and if such aliens are not already being held in some proper institution, arrangements shall be made, if practicable, for their detention by some philanthropic or similar society, preferably under the control of organizations or persons of the same nationality and religion as the detained aliens. Whenever a woman or child under sixteen years of age is incarcerated in a jail or similar place, a report of such action and of the reasons therefor shall be submitted promptly to the Central Office. Whenever such an alien is placed in the custody of a society for more than a brief period of time, the society shall be requested to submit weekly reports regarding the condition and behavior of the detained alien; and whenever facts or circumstances to justify so doing are de-

veloped, a report thereof shall be forwarded to the Central Office.

(d) *Custody of arrested aliens; cost of maintenance pending deportation.* The cost of maintaining aliens in custody after arrest and pending deportation may be borne by the Government, except that where an alien is an inmate of a public or private institution at the time of the institution of deportation proceedings no expense shall be incurred by the Government until he is taken into physical custody by immigration officers.*

§ 19.6 (a) *Hearing; when to be accorded under warrant.* After the alien has been taken into custody under a warrant of arrest and has been given a reasonable time to arrange for his defense, including, if desired, representation by counsel, and after the formal warrant of arrest has been received, if arrest was accomplished under a telegraphic warrant, the alien shall be granted a hearing to determine whether he is subject to deportation on the charges stated in the warrant of arrest. A hearing under a telegraphic warrant of arrest, and prior to the receipt of the formal warrant of arrest, shall be held only on the request of the alien or his counsel, or when, in the discretion of the officer in charge, it is deemed impracticable to await the receipt of the formal warrant. The alien shall be informed of his right to request a hearing upon a telegraphic warrant prior to the receipt of the formal warrant.

(b) *Hearing; presiding inspector to be other than investigating officer.* The immigrant inspector assigned to conduct a hearing under a warrant of arrest shall be referred to as the "presiding inspector". The immigrant inspector who conducted the investigation in the case shall not act as presiding inspector unless the alien consents thereto. The presiding inspector shall rule upon all objections to the introduction of evidence or motions made during the course of the hearing. In cases to which no examining inspector has been assigned pursuant to the provisions of paragraph (n) of this section, the presiding inspector shall conduct the interrogation of the alien and the witnesses in behalf of the government and shall cross-examine the alien's witnesses and present such evidence as is necessary to support the charges in the warrant of arrest. The presiding inspector shall see that all documentary or written evidence is properly identified and introduced into the record as exhibits by number, unless read into the record. He shall further make sure that, subject to the provisions of paragraphs (d), (e), and (g) of this section, the record is a verbatim report of everything that is stated during the course of the hearing, including the oaths administered, the warnings given to the alien or the witnesses, and the rulings on objections, except statements made off the record with the consent of the alien or his counsel.

(c) *Hearings; procedure; notice of charges.* At the beginning of a hearing under a warrant of arrest, the presiding inspector shall (1) permit the alien to inspect the warrant of arrest and inform him of the charges contained therein by repeating them verbatim and explaining them in language which will clearly convey to the alien the nature of the charges he must answer; (2) apprise the alien, if not represented by counsel, that he may be so represented if he desires and require him to state then and there for the record whether he desires counsel; (3) place the alien under oath or affirmation; (4) advise the alien of the penalty for perjury; and (5) enter of record as an exhibit, identified by number, the formal warrant of arrest, or a decoded copy of the telegraphic warrant if hearing is held thereunder. The presiding inspector shall further advise the alien of the provisions of paragraph (g) of this section concerning applications for the privilege of departure in lieu of deportation or for suspension of deportation under the provisions of section 19 (c) of the Immigration Act of 1917, as amended, in all cases except those in which the alien is charged with being subject to deportation upon one of the grounds mentioned in section 19 (d) of the said Act. A continuance of the hearing for the purpose of obtaining counsel shall not be granted more than once, unless sufficient cause for the granting of more time is shown.

(d) *Hearing; representation by counsel.* If counsel be selected, he shall be permitted to be present during the hearing, to offer evidence to meet any evidence presented or adduced by the Government, and to cross-examine witnesses called by the Government. Counsel shall be permitted to state his objections succinctly, and they shall be entered on the record. Argument of counsel in support of his objections shall be excluded from the record. Counsel, however, may submit such argument in the form of a brief to accompany the record.

(e) *Hearing; where representation by counsel waived.* If representation by counsel be waived, the alien shall be permitted to offer evidence to meet any evidence presented or adduced by the Government, to cross-examine witnesses called by the Government, and to make objections, which shall be entered on the record, but his arguments in support of the objections may, in the discretion of the presiding inspector, be excluded from the record, in which event, however, the alien shall be permitted to submit such argument in writing to accompany the record.

(f) *Hearing; interpreters.* Where the services of an interpreter are found necessary in the conduct of a hearing, the interpreter, if not an employee of the Service, shall be sworn to interpret and translate accurately.

(g) *Hearing; application for departure in lieu of deportation or for suspension of deportation.* At any time during the hearing the alien may give notice that he wishes to apply for the privilege of departing from the United States to any country of his choice at his own expense in lieu of deportation or for suspension of deportation under the provisions of section 19 (c) of the Immigration Act of 1917, as amended. Such application may be made in the alternative for either type of relief, and a request for the privilege of preexamination may be made in conjunction with a request for the privilege of departure in lieu of deportation. The alien's application shall be made in writing under oath or affirmation on Form No. I-255 accompanied by General Information Form No. I-55, duly verified, which shall be filed in triplicate with the presiding inspector. The original copy of such application and General Information Form, when received, shall be attached to and made a part of the record. The alien shall be warned that any statements made by him in such application or General Information Form may be used as evidence in any proceeding to determine his right to enter, reenter, pass through or reside in the United States and that false answers to any of the questions in such application or General Information Form may bar him from the relief which he requests. The presiding inspector may in his discretion assist the alien in filling out the General Information Form by explaining the questions to him, or he may ask the alien each question directly and record his answer upon the form, or he may require the alien to fill out the form and submit it to him within a reasonable period of time after the conclusion of the hearing. Explanations during the hearing or the reading of questions from the General Information Form need not be made a part of the record of the hearing.

(h) *Hearing; order in which evidence shall be presented.* The presiding inspector or examining inspector when interrogating the alien at the hearing, shall develop in order (1) the facts concerning his alienage and (2) the evidence relating to the charges in the warrant of arrest or to any additional charges applicable. If the alien has applied or given notice of intention to apply for the privilege of departure in lieu of deportation or for suspension of deportation as provided in §§ 19.6 (g), 19.8 (b), or 19.10 of this Part, the presiding inspector shall inquire thoroughly into all questions relating to the alien's eligibility to the relief requested insofar as such inquiry is necessary to supplement the General Information Form.

(i) *Hearing; use of statement or admissions made during investigation.* A recorded statement made by the alien (other than a General Information Form) or by any other person during an investigation may be received in evidence only if the maker of such statement is

unavailable or refuses to testify at the warrant hearing or gives testimony contradicting the statements made during the investigation. An affidavit of an inspector as to the statements made by the alien or any other person during an investigation may be received in evidence, otherwise than in support of the testimony of the inspector, only if the maker of such statement is unavailable or refuses to testify at the warrant hearing or gives testimony contradicting the statement and the inspector is unavailable to testify in person.

(j) *Hearing; record to contain personal history.* All records of hearings shall fully set forth, either in the General Information Form if filed or otherwise, the name or names of the alien (correctly spelled); place of the alien's birth; the name of the nearest town of importance to such place of birth; the province and country in which such place is located; the alien's religion; the names and locations of churches or schools he has attended; the last address of the alien in his native country, in the country of which he is a citizen or subject, and in the country in which he has last resided; the country in which he embarked for the United States or for foreign contiguous territory; correct names and addresses and the citizenship or nationality of the alien's nearest relatives residing in the country of his birth, and correct names and addresses of all near relatives residing in the United States.

(k) *Hearing; physical or mental disability cases; record to contain medical certificate.* The record of the hearing accorded an alien who is suffering from any mental or serious physical disability shall be supplemented by a medical certificate showing (a) whether such alien is in condition to be deported without danger to life or health, and (b) whether he will require special care and attention in case of deportation overseas.

(l) *Hearing; additional charges.* If, during the hearing, it shall appear to the presiding inspector that there exists a reason additional to those stated in the warrant of arrest why the alien is subject to deportation, he shall notify the alien that such additional charge is lodged against him, and shall proceed with the hearing upon such charge in like manner as on charges contained in a warrant of arrest.

(m) *Hearing; alien to be warned of disabilities respecting re-entry to the United States.* Before the hearing is concluded, the alien shall be warned by the presiding inspector that the Act of March 4, 1929, as amended, provides that any alien who, after arrest and deportation or departure from the United States in pursuance of an order of deportation, enters or attempts to enter the United States, shall be guilty of a felony, and upon conviction shall be liable to imprisonment for not more than two years or a fine of not more than \$1,000, or both

such fine and imprisonment, unless such entry or attempted entry is made after one year from the date of such departure or deportation, and the alien, prior to his re-embarkation at a place outside of the United States or prior to his application in foreign contiguous territory for admission to the United States, has been granted by the Attorney General permission to re-apply for admission to the United States.

(n) *Hearing; assignment of examining inspector in addition to presiding inspector; duties of inspectors.* The officer in charge of the district in which the hearing is to be held may, in his discretion, assign a second immigrant inspector to act at the hearing as the "examining inspector." The examining inspector shall conduct the actual interrogation of the alien and of the witnesses in behalf of the government and the examination or cross-examination of the alien's witnesses, present such evidence as is necessary to support the charges in the warrant of arrest, lodge such additional charges as he may find to be applicable in the manner hereinbefore directed, and, if the alien has applied for the privilege of departure in lieu of deportation or for suspension of deportation as provided in §§ 19.6 (g), 19.8 (b), or 19.10 of this Part, inquire thoroughly into the alien's eligibility for such relief. The presiding inspector in such cases, shall exercise all functions not herein assigned to the examining inspector, and he may, in addition, take such part in the interrogation of the alien and witnesses as he may deem necessary to assure that a proper hearing is accorded to the alien.* (Sec. 19, 39 Stat. 889, 54 Stat. 671, 8 U.S.C. 155; Sec. 1, 45 Stat. 1551, 46 Stat. 41, 47 Stat. 166; 8 U.S.C. 180, 181)

§ 19.7 (a) *Proposed findings, conclusions and order; preparation by presiding inspector.* As soon as practicable after the hearing has been concluded, the presiding inspector shall prepare a memorandum setting forth a summary of the evidence adduced at the hearing, his proposed findings of fact and conclusions of law, and a proposed order.

(b) *Proposed findings, conclusions and orders; eligibility for departure in lieu of deportation or for suspension of deportation.* If the alien has applied for the privilege of departure in lieu of deportation or for suspension of deportation as provided in §§ 19.6 (g), 19.8 (b) or 19.10 of this Part, the presiding inspector shall follow his conclusions of law as to the alien's deportability with a discussion of the evidence relating to the alien's eligibility for such relief and of his reasons for his proposed order. He shall then state in numbered paragraphs his proposed findings of fact and his proposed conclusions of law as to the alien's eligibility for the relief requested.

(c) *Proposed findings, conclusions and order; proposed order.* In the proposed order the presiding inspector shall recommend cancellation of the proceedings,

deportation, departure under order of deportation, departure in lieu of deportation, or suspension of deportation in accordance with the judgment he has made on the basis of the evidence adduced at the hearing.

(d) *Proposed findings, conclusions and order; service of findings of presiding officer.* A copy of the presiding inspector's memorandum containing his discussion of the evidence, proposed findings of fact, proposed conclusions of law and proposed order shall be furnished to the alien or his counsel in all instances by personal service, if practicable, otherwise by registered mail, and a return receipt therefor shall be obtained. A copy also shall be furnished to the examining inspector, if an examining inspector has been assigned to the case.

(e) *Proposed findings, conclusions and order; filing of exceptions.* The alien or his counsel or representative shall be allowed by the officer in charge a reasonable time (not to exceed ten days except on showing of good cause that more time is necessary) in which to file exceptions to the proposed findings, conclusions and order of the presiding inspector and to submit a brief, if desired. Reasonable extensions of time for the filing of exceptions or brief may be granted in the discretion of the officer in charge. The examining inspector shall promptly file exceptions to the proposed findings, conclusions and order of the presiding inspector, or state in writing that he waives the filing of exceptions.*

§ 19.8 (a) *Reopening the hearing.* At any time prior to the forwarding of the record of hearing to the Central Office, the officer in charge of the district may direct that a case be reopened for proper cause. After the record has been forwarded to the Central Office, a case may only be reopened upon direction of the Board of Immigration Appeals. Requests by aliens, or their representatives, for a reopening of a hearing must be in writing and must set forth the grounds for the application. If a request for a reopening made prior to the transmittal of the record to the Central Office is denied by the officer in charge of the district, a report setting forth the reasons for denial shall be forwarded to the Central Office with the record.

(b) *Reopening the hearing; applications for departure in lieu of deportation or for suspension of deportation.* After the close of a hearing and prior to the forwarding of the record to the Central Office, an application by the alien for the privilege of suspension of deportation under the provisions of section 19 (c) of the Immigration Act of 1917, as amended, may only be made in conjunction with a request, pursuant to paragraph (a) of this section, that the hearing be reopened. After the forwarding of the record to the Central Office such an application may only be made in conjunc-

tion with a motion to reopen the hearing made pursuant to § 90.9 of this title.* (Sec. 19, 39 Stat. 889, 54 Stat. 671; 8 U.S.C. 155)

§ 19.9 *Forwarding record to Central Office.* Upon receipt of exceptions and brief, if any, of the alien or his counsel, or upon the expiration of the time allowed for the submission of exceptions or brief, the entire record, including all copies of Forms I-55 and I-255 filed by the alien, the presiding inspector's proposed findings, conclusions and order, exceptions and brief, including the exceptions of the examining inspector, if any, shall be delivered to the officer in charge of the district for transmission to the Central Office.*

§ 19.10 *Special procedure; application by an alien prior to arrest for suspension of deportation.* Any alien who believes himself to be subject to deportation and against whom deportation proceedings have not been instituted by the issuance and service upon him of a warrant of arrest, as provided in §§ 19.3 and 19.4 of this Part, may make written application for suspension of deportation under the provisions of section 19 (c) of the Immigration Act of 1917, as amended. Such application properly executed under oath or affirmation upon Form No. I-255 and accompanied by General Information Form No. I-55, duly filled in and verified, shall be filed in triplicate at an office of the Immigration and Naturalization Service. If, upon the filing of such application, the officer in charge of the district within which the application is filed believes, from the facts set forth therein, that the alien is subject to deportation, he shall issue and serve upon such alien a warrant of arrest and take him into custody. The warrant of arrest shall state the grounds upon which the officer in charge believes the alien to be subject to deportation. The officer in charge shall thereafter release the alien upon his personal recognizance unless the officer in charge believes that the alien may leave for parts unknown, in which case he shall make full report of the facts to the Central Office with a recommendation that a bond to insure the alien's appearance when wanted be required. The case shall thereafter be handled in the same manner as all other deportation cases, as provided in §§ 19.5 to 19.9 of this Part, except that in preparing his memorandum pursuant to § 19.7 the presiding inspector need not summarize or discuss the evidence but may merely set forth in numbered paragraphs his findings of fact and conclusions of law regarding the alien's deportability and eligibility for suspension of deportation and his proposed order. The duplicate copy of the application, as well as a copy of the warrant of arrest, shall be forwarded to the Central Office within 48 hours after the issuance of the warrant.* (Sec. 19 (c) 39 Stat. 889, 54 Stat. 671; 8 U.S.C. 155 (c))

§ 19.11. (a) *Special deportation procedure as to recent illegal entrants;*

Notwithstanding any other provisions of this Part, any officer in charge of a district shall have power to issue warrants of arrest upon application made direct to such officer by an investigating officer in any case in which (1) an alien is believed to have entered the United States illegally from foreign contiguous territory or adjacent islands within 60 days preceding the application for warrant of arrest, and (2) one of the grounds of deportation upon which the application for warrant of arrest is based is:

(a) that the alien entered the United States by water at any time or place other than as designated by immigration officials; or

(b) that the alien entered the United States by land at any place other than one designated as a port of entry for aliens by the Commissioner of Immigration and Naturalization; or

(c) that the alien entered the United States at any time not designated by immigration officials; or

(d) that the alien entered the United States without inspection.

Every case in which deportation proceedings are instituted under this paragraph shall be immediately reported to the Central Office, together with a copy of the warrant of arrest.

(b) *Special deportation procedure as to recent illegal entrants; investigations and applications for warrants of arrest.* Investigations and applications for warrants of arrest in cases within the purview of paragraph (a) of this section shall be made in accordance with the provisions of §§ 19.1 and 19.2 of this Part, except with respect to the officers to whom the application is made.

(c) *Special deportation procedure as to recent illegal entrants; issuance and execution of warrants of arrest; release or detention of alien.* When an application for issuance of a warrant of arrest has been made in a case falling within the provisions of paragraph (a) of this section, the officer in charge of the district shall issue the warrant if he is satisfied from the supporting evidence that a prima facie case for deportation has been established. The warrant shall state the grounds upon which the officer in charge of the district believes the alien to be subject to deportation, and shall provide for the alien's release under bond in a sum of not less than \$500 or on his own recognizance pending further proceedings. The warrant shall be executed in the same manner as though issued by the Central Office.

(d) *Special deportation procedure as to recent illegal entrants; hearing and procedure thereunder.* The hearing accorded an alien arrested upon a warrant issued in accordance with Paragraph (c) of this section shall, unless otherwise expressly provided, be conducted in the same manner as is provided elsewhere in this Part. In every case, the presiding inspector, immediately before the hearing is concluded, shall state for

the record in the presence of the alien his findings of fact, conclusions of law, and recommendation as to the disposition of the case. The alien shall be required then and there to state whether or not he takes exception to such findings of fact, conclusions of law, and recommendation as to the disposition of the case, and he shall be informed that if he does take exception the transcript of record will be submitted to the Central Office for decision. The transcript of the record, including the findings of fact, conclusions of law and proposed order of the presiding inspector as stated in the record, shall be presented to the officer in charge of the district in which the hearing is held.

(e) *Special deportation procedure as to recent illegal entrants; disposition of records; issuance of warrant of deportation.* In any case conducted in accordance with the provisions of this section, in which the alien has made an exception to the proposed findings, conclusions, and order of the presiding inspector, or in which the alien has applied for suspension of deportation under the provisions of section 19 (c) of the Immigration Act of 1917, as amended, or in which the recommendation of the presiding inspector is for any action other than the deportation of the alien, the transcript of record shall be forwarded to the Central Office for decision. Any other case shall be referred for determination to the officer in charge of the district. If that officer is satisfied beyond a doubt that the alien is subject to deportation and that his case falls within the provisions of Paragraph (a) of this section, he may issue a warrant directing the deportation of the alien upon the charges which have been established by the record. In such a case, a complete copy of the record and of the order of deportation shall be forwarded to the Central Office within 48 hours after the issuance of the warrant of deportation. If the officer in charge is not satisfied beyond a doubt that the alien is subject to deportation and that his case falls within the provisions of paragraph (a) of this section, he shall forward the record to the Central Office for decision, with his reasons for so doing. Deportation of an alien ordered deported by an officer in charge of a district will be effected in the same manner as though deportation had been directed by the Central Office. Any alien who has been ordered deported by an officer in charge of a district may within ten days after such order, if deportation has not been sooner effected, file an exception to the order of deportation giving his reasons in support thereof, and may request that his case be referred to the Central Office for final decision. Upon the filing of such exception and request, deportation of the alien shall be stayed and the request of the alien, accompanied by the entire record if not previously transmitted, shall be forwarded to the Central Office for review and final decision. If the warrant of deportation issued by the officer in

charge of the district is confirmed by the Central Office, deportation will proceed upon the warrant issued by that officer as soon as notification of the action of the Central Office is received.

(f) *Special deportation procedure as to recent illegal entrants; review of deportation order.* The Central Office, notwithstanding the issuance of a deportation order in the case of any alien by an officer in charge of a district, may cancel for cause such order of deportation or otherwise direct what disposition shall be made of the case.* (Sec. 19, 39 Stat. 889, 54 Stat. 671; 8 U.S.C. 155)

§ 19.12 (a) *Execution of warrant of deportation; taking an alien into custody.* Upon the issuance of a warrant of deportation or as soon thereafter as the circumstances of the case may require, the alien, if not already in custody, shall be taken into custody thereunder and deported.

(b) *Execution of warrant of deportation; aliens confined in penal institutions.* No alien sentenced to imprisonment shall be deported under any provision of law until the termination of the imprisonment. Imprisonment shall be considered as terminated upon the release of an alien from confinement whether or not he is subject to re-arrest or further confinement in respect of the same offense. Release of an alien from confinement on parole shall be considered as a termination of imprisonment.

(c) *Execution of warrant of deportation; aliens discharged from United States Narcotic Farms.* Any alien who has been sentenced to imprisonment and has been ordered deported and who has been transferred as an alien addict to a United States Narcotic Farm provided for in the Act of June 19, 1929, shall, at the time of his discharge from the Farm, be taken into custody direct from the Farm and deported instead of being returned to the penal institution from which he came.

(d) *Execution of warrant of deportation; departure at alien's expense.* Where an alien has been ordered deported, the officer in charge of the district within which the alien is located or where the alien is in custody may, in the absence of express directions to the contrary in the warrant of deportation, permit the alien to depart to any country of his choice by reshipping foreign one way as a seaman, or by any other method at the alien's expense. When such departure is permitted and effected, the facts shall be recorded on the warrant of deportation. Any alien who is permitted to depart from the United States at his own expense under a warrant of deportation shall be notified of the issuance of such warrant and again warned concerning the provisions of the Act of March 4, 1929, as amended, as set forth in § 19.6 (m) of this Part.

(e) *Execution of warrant of deportation; stay of deportation by the officer in charge.* Where an alien has been ordered deported and is about to be joined to a

deportation party or his deportation is otherwise imminent and some serious emergency arises, or where new and material evidence is discovered, the district director within whose district the alien is located may, in his discretion, stay the deportation. All the facts and circumstances in such cases shall be reported immediately to the Central Office, and the further action taken shall be subject to the direction of the Central Office.* (45 Stat. 1085, 21 U.S.C. 222; Sec. 1, 45 Stat. 1551, 46 Stat. 41, 47 Stat. 166, 8 U.S.C. 180, 181)

§ 19.13 (a) *Deportation; manner of.* If deportation is to be effected by vessel or airplane, notice of the proposed deportation of any alien shall be given to the transportation company concerned, together with a brief description of the alien and any other appropriate data, including the cause of deportation, physical and mental condition, and destination. Any request from the transportation lines to defer delivery of the alien for deportation shall be accompanied by a written agreement from the line concerned that it will be responsible for all detention expenses resulting from such deferment.

(b) *Deportation; to foreign contiguous territory.* Aliens ordered deported to foreign contiguous territory shall be returned across the border at the nearest port unless humanitarian or other reasons render it advisable to effect deportation through some other port. Deportation to a seaport shall be authorized when that course is deemed advisable or more economical than deportation across the land boundary. In cases involving deportation to foreign contiguous territory pursuant to the provisions of § 19.11 of this Part, the officer in charge of the district within which the hearing was held shall determine through which port deportees shall be deported. In all other such cases officers in charge shall include in their letters transmitting the records of warrant hearings a recommendation as to the port through which such deportees should be deported.*

§ 19.14 *Repeal of prior regulations and instructions.* All sections of Part 19, Chapter I, Title 8, Code of Federal Regulations, which have previously been in effect, and any other rules or instructions inconsistent with the provisions of this Part, are hereby repealed: *Provided, however,* That such repeal shall not affect any proceedings or parts of proceedings which have taken place prior to the effective date of this Part as here promulgated.

HENRY M. HART, Jr.,
Special Assistant to the Attorney
General in Charge pro tem.
Immigration and Naturalization
Service.

Approved:

ROBERT H. JACKSON,
Attorney General.

[F. R. Doc. 41-56; Filed, January 2, 1941;
3:11 p. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

PART 240—RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

ADOPTION OF RULES X-13A-7 AND X-15D-4

The Securities and Exchange Commission acting pursuant to authority conferred upon it by the Securities Exchange Act of 1934, particularly sections 13, 15 (d) and 23 (a) thereof, and deeming such action appropriate in the public interest and for the protection of investors and necessary for the execution of the functions vested in it by the said Act hereby adopts the following rules:

§ 240.13a-7 *Companies registered under the Investment Company Act of 1940.* (a) Notwithstanding the provisions of rule X-13A-2, any registrant for which form 10-K, 15-K or 17-K is appropriate for annual reports pursuant to section 13 of the Act and which has filed, within the period prescribed for filing an annual report pursuant to that section, a registration statement on the appropriate form prescribed under section 8 (b) of the Investment Company Act of 1940 may file copies of such registration statement as its annual report pursuant to rule X-13A-1, provided the registration statement covers the fiscal period that would be covered by a report on form 10-K, 15-K or 17-K, as the case may be. This rule shall not apply, however, to any company which has filed a registration statement which itself consists in whole or in part of copies of information and documents filed under the Securities Act of 1933 or the Securities Exchange Act of 1934 and which is filed pursuant to rules and regulations under section 8 (c) of the Investment Company Act of 1940.

(b) Every report filed pursuant to this rule shall be filed under cover of the facing sheet of form 10-K, 15-K or 17-K, whichever is appropriate. The following statement shall appear on the facing sheet of the annual report or on the page immediately following the facing sheet:

This annual report filed pursuant to Rule X-13A-7 consists of information and documents contained in the registration statement on form _____ filed by the registrant on _____, 19____, pursuant to section 8 of the Investment Company Act of 1940.

(c) Any exhibits included in the registration statement which are not required by form 10-K, 15-K or 17-K, as the case may be, for an annual report thereon may be omitted from the annual report.

(d) At least one copy of the registration statement filed with each exchange on which the registrant has securities listed and registered and one copy filed with the Commission shall be signed. (C. 404, Sec. 13a, 48 Stat. 894; 15 U.S.C. 78m; C. 404, sec. 23, 48 Stat. 901; C. 462, sec. 8, 49 Stat. 1379; 15 U.S.C. 78w and Sup.

III) [Rules and Regs., Rule X-13A-7, effective January 2, 1941]

§ 240.15d-4 *Companies registered under the Investment Company Act of 1940.* (a) Notwithstanding the provisions of rule X-15D-2, any registrant for which form 1-MD or 2-MD is appropriate for annual reports pursuant to section 15 (d) of the Act and which has filed, within the period prescribed for filing an annual report pursuant to that section, a registration statement on the appropriate form prescribed under section 8 (b) of the Investment Company Act of 1940 may file copies of such registration statement as its annual report pursuant to rule X-15D-1, provided the registration statement covers the fiscal period that would be covered by a report on form 1-MD or 2-MD, as the case may be. This rule shall not apply, however, to any company which has filed a registration statement which itself consists in whole or in part of copies of information and documents filed under the Securities Act of 1933 or the Securities Exchange Act of 1934 and which is filed pursuant to rules and regulations under section 8 (c) of the Investment Company Act of 1940.

(b) Every report filed pursuant to this rule shall be filed under cover of the facing sheet of form 1-MD or 2-MD, whichever is appropriate. The following statement shall appear on the facing sheet of the annual report or on the page immediately following the facing sheet:

This annual report filed pursuant to Rule X-15D-4 consists of information and documents contained in the registration statement on Form _____ filed by the registrant on _____, 19____, pursuant to section 8 of the Investment Company Act of 1940.

(c) Any exhibits included in the registration statement which are not required by form 1-MD or 2-MD, as the case may be, for an annual report thereon may be omitted from the annual report.

(d) At least one copy of the registration statement filed with the Commission shall be signed. (C. 462, Sec. 3, 49 Stat. 1377; 15 U.S.C. 78o (1940 Supp.); C. 404, sec. 23, 48 Stat. 901; C. 462, Sec. 8, 49 Stat. 1379; 15 U.S.C. 78w and Sup. III) [Rules and Regs., Rule X-15D-4, effective January 2, 1941]

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-55; Filed, January 2, 1941; 1:47 p. m.]

PART 250—GENERAL RULES AND REGULATIONS, PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

AMENDMENTS RELATING TO EXEMPTIONS FROM SECTION 17 (c) OF THE ACT FOR OFFICERS AND DIRECTORS OF OPERATING COMPANIES

Acting pursuant to the Public Utility Holding Company Act of 1935, partic-

ularly sections 17 (c) and 20 (a) thereof, and finding that such action will not adversely affect the public interest or the interest of investors or consumers, the Securities and Exchange Commission hereby amends paragraph (h)¹ of § 250.17c-1 *Exemptions from section 17 (c) of the Act for officers and directors of operating companies* [Rule U-17C-1] to read as follows:

(h) A person (1) whose only financial connection is with one or more commercial banking institutions having their principal offices within the State in which such company conducts at least 90 percent of its public-utility operations and in which such person resides, and (2) who was originally elected to his position in such company prior to April 1, 1939, pursuant to an order of, or stipulation approved by, the public service commission, corporation commission, or similar regulatory body of such State: *Provided, however,* That this exemption shall expire March 1, 1941.

Effective December 31, 1940.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-74; Filed, January 3, 1941; 11:31 a. m.]

PART 270—INVESTMENT COMPANY ACT OF 1940

TEMPORARY EXEMPTION FROM AFFILIATION PROVISIONS

Acting pursuant to the authority conferred upon it by the Investment Company Act of 1940, particularly sections 6 (c) and 38 (a) thereof, and deeming the temporary exemption hereinafter provided appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act, the Securities and Exchange Commission hereby adopts § 270.6C-7 [Rule N-6C-7], to read as follows:

§ 270.6c-7 *Temporary exemption from affiliation provisions of section 32 (a).* A registered investment company shall be exempt from the provisions of paragraph (1) of section 32 (a) of the Act, insofar as said paragraph requires that independent public accountants for such company be selected by a majority of certain members of the board of directors, if

(a) such accountants are selected by a majority of all the members of the board of directors;

(b) at the time of such selection all the members of such board, or all but one of such members, are investment advisers of, or affiliated persons of an investment adviser of, or officers or employees of, such registered company; and

(c) such selection occurs before November 1, 1941. (Pub. 768—76th Cong.)

¹ 4 F.R. 1643.

[Gen. Rules & Regs., Rule N-6C-7, effective January 2, 1941]

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-53; Filed, January 2, 1941; 1:47 p. m.]

PART 270—INVESTMENT COMPANY ACT OF 1940

ANNUAL REPORTS; FILING OF COPIES OF REPORTS TO STOCKHOLDERS; REPORTS TO STOCKHOLDERS OF MANAGEMENT COMPANIES; REPORTS TO SHAREHOLDERS OF UNIT INVESTMENT TRUSTS

Acting pursuant to the Investment Company Act of 1940, particularly sections 6 (c), 30 and 38 (a) thereof, and deeming such action appropriate to the exercise of the powers conferred and the duties imposed upon it by the Act, appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act, the Securities and Exchange Commission hereby adopts §§ 270.30a-1, 270.30b2-1, 270.30d-1 and 270.30d-2 [Rules N-30A-1, N-30B2-1, N-30D-1 and N-30D-2] to read as follows:

§ 270.30a-1 *Annual reports.* (a) Every registered investment company shall file an annual report, on the appropriate form prescribed therefor, not more than 120 days after the close of each fiscal year ending on or after the date upon which such company files its registration statement pursuant to section 8 (b): In case the registrant finds it impracticable to file the report within such 120 days, it may file with the Commission an application for an extension of time to a specified date within 6 months after the close of the fiscal year. Such application shall state the grounds of impracticability and shall contain an agreement to file the report on or before such specified date. The application shall be deemed granted unless the Commission within 10 days after receipt thereof shall enter an order denying the application as being unreasonable and unnecessary under the circumstances.

(b) Every registered investment company shall be exempt from the provisions of section 30 (a) insofar as such section requires the filing of an annual report for any fiscal year ending prior to the date upon which such company files its registration statement pursuant to section 8 (b). (Pub. 768, 76th Congress) [Gen. Rules & Regs., Rule N-30A-1, effective January 2, 1941]

§ 270.30b2-1 *Filing of copies of reports to stockholders.* Four copies of every periodic or interim report or similar communication containing financial statements and transmitted by or on behalf of any registered investment company to any class of such company's security holders shall be filed with the

Commission not later than 10 days after such transmission. (Pub. 768, 76th Congress) [Gen. Rules & Regs., Rule N-30B2-1, effective January 2, 1941]

§ 270.30d-1 *Reports to stockholders of management companies.* (a) At least semiannually every registered management company shall transmit by mail, postage prepaid, to each stockholder of record, a report containing all the information and financial statements, or their equivalent, specified in clauses (1) to (6) inclusive of section 30 (d) of the Act. The first such report shall be made as of a date not later than the close of the fiscal year or half-year first occurring on or after December 31, 1940. Each report shall be mailed within 30 days after the date as of which the report is made; except that if the reporting company is a non-diversified company having one or more majority-owned subsidiaries which are not investment companies, the report may be mailed within 60 days after the date as of which it is made, or within such longer period of time as the Commission may permit by order upon application.

(b) Reports made as of the close of the reporting company's fiscal year shall cover the whole fiscal year. Reports made as of any date other than the close of the fiscal year shall cover a period commencing either (1) with the beginning of the fiscal year or (2) with a date not later than the day after the close of the period covered by the last report conforming with the requirements of section 30 (d) of the Act and the rules and regulations thereunder.

(c) The list showing the amounts and values of securities owned on the date of the balance sheet or its equivalent, required by clause (2) of section 30 (d) of the Act, shall indicate each issue separately; except that—

(1) securities which, because believed worthless, have been charged off on the books or written down to a merely nominal carrying amount may be omitted, provided that all securities charged off or written down since the effective date of the Act shall be separately listed in the next succeeding report conforming with the requirements of section 30 (d) and the rules and regulations thereunder, and also, if such next succeeding report is not an annual report, in the next succeeding annual report; and

(2) an amount not exceeding 5% of the aggregate value of securities shown on the list may be listed in one amount as "miscellaneous securities," if the securities so listed have been held for not more than one year prior to the date of the balance sheet or its equivalent and have not previously been reported by name in any report or statement transmitted to stockholders or filed with the Commission or with any national securities exchange.

(d) In making reports required under section 30 (d) of the Act, an open-end company may include therein, as the equivalent of the balance sheet required by clause (1) of said section and the statement of surplus required by clause (4) thereof, the following:

(1) A statement of its assets (showing its investments at "value" as defined in section 2 (a) (39) (B) of the Act) and its liabilities, and of its net assets, and the number and par value or stated value of the shares representing such net assets, all as of the end of the period for which the report is made.

(2) A statement of changes in net assets for the period for which the report is made, showing the net assets (on the same basis of value) as of the beginning of the period, and the various credits and debits resulting in the net assets figure shown pursuant to subparagraph (1) of this paragraph. Each charge which represents more than 5% of the total charges during the period and each credit which represents more than 5% of the total credits during the period must appear as a separate item.

(3) A statement with respect to the period for which the report is made, and with respect to the three complete fiscal years next preceding the commencement of such period, of the net asset value per share (on the same basis of value) of the reporting company's securities at the beginning and at the end of each such period, and a statement of the dividends declared per share during each such period together with the amount per share of such dividends declared out of sources other than net income for each such period, excluding from such net income profits or losses realized on the sale of securities or other properties. (Pub. 768, 76th Congress) [Gen. Rules & Regs., Rule N-30D-1, effective January 2, 1941]

§ 270.30-2 *Reports to shareholders of unit investment trusts.* At least semiannually every registered unit investment trust substantially all the assets of which consist of securities issued by a management company shall transmit by mail, postage prepaid, to each shareholder of record (including record holders of periodic payment plan certificates), a report containing all the applicable information and financial statements, or their equivalent, required by rule N-30D-1 to be included in reports of such management company for the same fiscal period. Each such report shall be mailed within the period allowed such management company by rule N-30D-1 for mailing reports to its stockholders. (Pub. 768, 76th Congress) [Gen. Rules & Regs., Rule N-30D-2, effective January 2, 1941]

By the Commission.

[SEAL]

FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-54; Filed, January 2, 1941;
1:47 p. m.]

TITLE 22—FOREIGN RELATIONS

CHAPTER I—DEPARTMENT OF STATE

[Departmental Order 908]

PART 19—LOSS OF NATIONALITY UNDER THE ACT APPROVED OCTOBER 14, 1940

FORMAL RENUNCIATION OF AMERICAN NATIONALITY

§ 19.1 *Form for renunciation of American nationality.* The following form is hereby prescribed under which a person who is a national of the United States, whether by birth or naturalization, and who shall have attained the age of 18 years may make a formal renunciation of his American nationality before a diplomatic or consular officer of the United States in a foreign state:

OATH OF RENUNCIATION OF THE NATIONALITY OF THE UNITED STATES

(This form has been prescribed by the Secretary of State pursuant to section 401 (f) of the act of October 14, 1940, 54 Stat. 1169)

Consulate _____ of the United States of America at _____, ss:

I, _____, a national of the United States, solemnly swear that I was born at _____

(Town or city)

(Province or county) (State or country)

on _____

(Date)

That I reside at _____

(Street) (City)

(State)

That I formerly resided in the United States at _____

(Street) (City)

(State)

That I am a national of the United States by virtue of _____

(If a national by birth in the

United States, so state; if naturalized, give

the name and place of the court in the United

States before which naturalization was

granted and the date of such naturalization.)

That I desire to make a formal renuncia-

tion of my American nationality, as provided

by section 401 (f) of the Nationality Act of

1940, and pursuant thereto I hereby abso-

lutely and entirely renounce my nationality

in the United States and all rights and privi-

leges thereunto pertaining and abjure all

allegiance and fidelity to the United States

of America.

(Signature)

Subscribed and sworn to before me this

_____ day of _____, 19____, in the

American Consulate _____ at _____

[SEAL] _____

(Signature)

Consul _____ of the
United States of America.

(Sec. 401 (f), 54 Stat. 1169)

§ 19.2 *Effective date for use of form.*

The foregoing form for the making of

a formal renunciation of nationality be-

fore a consular officer of the United

States in a foreign state shall not be used

before January 13, 1941, when the Na-

tionality Act of 1940 becomes effective.
(Sec. 401 (f), 54 Stat. 1169)

[SEAL]

CORDELL HULL,
Secretary of State.

JANUARY 2, 1941.

[F. R. Doc. 41-76; Filed, January 3, 1941;
11:57 a. m.]

[Departmental Order 909]

PART 19—LOSS OF NATIONALITY UNDER THE
ACT APPROVED OCTOBER 14, 1940

CERTIFICATION OF THE LOSS OF AMERICAN
NATIONALITY

§ 19.3 *Certificate of diplomatic or consular officer.* Whenever a diplomatic or consular officer of the United States has reason to believe that a person while in a foreign country has lost his American nationality under any provision of chapter IV of the Nationality Act of 1940 (54 Stat. 1168), he shall certify the facts upon which such belief is based to the Department of State in writing in the following form:

CERTIFICATE OF THE LOSS OF THE NATIONALITY
OF THE UNITED STATES

(This form has been prescribed by the Secretary of State pursuant to section 501 of the act of October 14, 1940, 54 Stat. 1171)

Consulate _____ of the
United States of America at _____ ss:

I, _____, hereby certify that,
to the best of my knowledge and belief,
_____ was born at _____

(Town)
or city) _____ (Province or county)
(State or country) on _____ (Date)
That _____ he resides at _____

(City) _____ (State) _____
That _____ he last resided in the United States
at _____ (Street) _____ (City) _____ (State) _____

That _____ he left the United States on _____ (Precise
date should be given)

That _____ he acquired the nationality of the
United States by virtue of _____ (If a national by
birth in the United States, so state; if nat-

uralized, give the name and place of the
court in the United States before which nat-
uralization was granted and the date of such
naturalization.)

That _____ he has expatriated himself under
the provisions of section _____ of chapter IV
of the Nationality Act of 1940 by _____ (The action

causing expatriation should be set forth
succinctly.)

That the evidence of such action consists
of the following: _____

(Here list the sources of
information and such documentary evidence
as may be available concerning the action

causing expatriation of the individual con-
cerned.)

In testimony whereof, I have hereunto sub-
scribed my name and affixed my office seal
this _____ day of _____, 19____

(Month)
[SEAL] _____
(Signature)
(Title of officer)

*§§ 19.3 to 19.7, inclusive, issued under
authority of sec. 501, 54 Stat. 1171.

§ 19.4 *Affidavit of expatriated person.*
(a) When obtainable, an affidavit ex-
ecuted in quadruplicate by the expatriated
person should be attached to each copy
of the certificate of the officer (§ 19.3).

This affidavit should contain in sub-
stance:

(1) That the affiant has voluntarily ex-
patriated himself by the performance
of one of the acts or the fulfillment of
the conditions specified in chapter IV
of the Nationality Act of 1940 (54 Stat.
1168);

(2) That his permanent residence in
the United States, if he ever had one,
has been voluntarily abandoned and that
the expatriated person neither intends
nor desires to resume residence in the
United States in the immediate or near
future;

(3) If naturalized in the United States,
that the naturalization certificate is or
has been surrendered voluntarily be-
cause of his expatriation;

(4) That the affiant neither intends
nor desires to preserve his allegiance to
the United States but intends and desires
to preserve his new allegiance, if one has
been acquired.

(b) Where it is not possible for the
officer who executes the certificate of
expatriation to obtain an affidavit from
the expatriated person, he should exer-
cise care in setting forth in his certificate
such information as he may have which
tends to support his belief that the indi-
vidual concerned in the certificate has
become expatriated.*

§ 19.5 *Amplification of certificate.*
When preparing a certificate of expatri-
ation the form abovementioned should
be amplified in appropriate cases by add-
ing a paragraph thereto setting forth the
names, places and dates of birth, and
present addresses of the spouse and chil-
dren, if any, of the individual concerned
and whether any such person is consid-
ered to have acquired foreign national-
ity. The certificate, however, is not to
be regarded as a certificate of expatri-
ation of the spouse or children of any
person in whose case a certificate of ex-
patriation is prepared.*

§ 19.6 *Preparation of certificate for
person who shall have attained the age
of 18 years.* A certificate should be pre-
pared in any case of a person coming
within the scope of chapter IV who shall
have attained the age of 18 years, except
in the case of a person who shall have

been naturalized in a foreign state
through the naturalization therein of a
parent having legal custody, or who is a
minor and residing in a foreign state
with or under the legal custody of a par-
ent who has lost American nationality, in
which case a certificate of expatriation
shall not be executed until the child con-
cerned shall have attained the age of 23
years without having acquired or re-
sumed permanent residence in the
United States.*

§ 19.7 *Execution of certificate in
quadruplicate.* The certificate should be
executed in quadruplicate. Two copies
thereof should be sent to the Depart-
ment, one of which should be the orig-
inal, and two should be retained in the
files of the office in which it was exe-
cuted. After the Department of State
shall have approved the certificate it
will so advise the appropriate diplomatic
or consular officer, who will thereafter
make a notation on the two copies re-
tained by him to the effect that the cer-
tificate has been approved by the De-
partment under the date of the instruc-
tion to the diplomatic or consular officer
and who will thereafter forward a copy
of such certificate to the person to whom
it relates.*

[SEAL]

CORDELL HULL,
Secretary of State.

JANUARY 2, 1941.

[F. R. Doc. 41-76; Filed, January 3, 1941;
11:57 a. m.]

[Departmental Order 910]

PART 19—LOSS OF NATIONALITY UNDER THE
ACT APPROVED OCTOBER 14, 1940

ISSUE OF CERTIFICATES OF AMERICAN
NATIONALITY

§ 19.8 *Application for certificate of
American nationality.* Any person who
acquired the nationality of the United
States at birth and who is involved in
any manner in judicial or administrative
proceedings in a foreign state in con-
nection with which the establishment of
his nationality in the United States is
pertinent, may apply for such a certi-
ficate in the form herein prescribed. In
the United States, including Alaska and
Hawaii, the application must be executed
before a clerk of a Federal court or a
State court authorized by section 301 (a)
of the Nationality Act of 1940 (54 Stat.
1140) to naturalize aliens within the
jurisdiction in which the applicant
resides or before an agent of the Depart-
ment of State. In a foreign country the
application must be executed before a
diplomatic or consular officer of the
United States. In an insular possession
of the United States the application must
be executed before a person in the office
of the Chief Executive who has authority
to administer oaths, except that in the
Commonwealth of the Philippines it
must be executed before a person having

similar authority in the office of the United States High Commissioner to the Philippine Islands. When an application is executed before a diplomatic or consular officer it should be in duplicate. There should be submitted with the application documentary evidence establishing that the applicant is involved in judicial or administrative proceedings pending in a foreign country in connection with which the establishment of his nationality of the United States is pertinent. There should be affixed to each application, including the duplicate application when required, a photograph of the applicant not more than 3 by 3 inches and not less than 2½ by 2½ inches in size, unmounted, printed on thin paper showing the full front view of the features of the applicant, and taken within 6 months of the date when submitted. A separate photograph, which must be identical to that affixed to the application, should be submitted, in order that it may be affixed to the certificate of nationality if and when issued. The original copy of the application should in all cases be submitted to the Department of State.*

*§§ 19.8 to 19.12, inclusive, issued under authority of sec. 502, 54 Stat. 1171.

§ 19.9 *Evidence of nationality to accompany application for certificate.* Each application for a certificate of nationality must be accompanied by evidence of nationality of the character which is required by the Rules Governing the Granting and Issuing of Passports in the United States issued by the President on March 31, 1938, or any rules which may subsequently be issued by him. If the applicant has previously submitted satisfactory evidence of American citizenship in connection with an application for a passport or registration, it will not be necessary for him to duplicate such evidence. It will, however, be necessary for the applicant to satisfy the Secretary of State that he has not expatriated himself under the Nationality Act of 1940 or any prior act.*

§ 19.10. *Form of application for certificate of nationality.* The application must be in the following form:

APPLICATION FOR A CERTIFICATE OF NATIONALITY
FOR USE IN A JUDICIAL OR ADMINISTRATIVE
PROCEEDING IN A FOREIGN STATE

Consulate _____ of the
United States of America at _____ ss:

I, _____, a national of the
(Name of applicant)

United States, do hereby apply to the Secretary of State for the issue of a certificate of nationality for use in a judicial or administrative proceeding in a foreign state in which I am involved and in connection with which the establishment of my nationality in the

United States is pertinent. I solemnly swear that I was born at _____
(Town or city)

_____,
(Province or county) (State or country)
on _____;
(Date)

That my father, _____
(Name)

was born at _____
(Town or city)

_____,
(State or country) (Date)

was naturalized as a citizen of the United States by the _____ Court at _____

_____,
(City) (State)

and is now residing at _____
(Town or city)

_____,
(State or country)

That my place of permanent residence is at _____ in _____
(Street) (Town or city)

_____,
(Province or county) (State or country)

That since my birth I have resided at the following places for the following periods:

_____, from _____ to _____;
_____, from _____ to _____;
_____, from _____ to _____;

That I have heretofore
(been issued a passport by)
(been registered in)

_____ at _____
(Department of State or consulate)

_____,
(Washington or location of consulate abroad)

That I have not been naturalized in or taken an oath of allegiance to a foreign state nor have I done anything else which, to my knowledge and belief, caused me to lose my nationality of the United States, under any provision of the Nationality Act of 1940 or other law of the United States;

That proceedings are pending in _____
(State judicial

_____ at _____
(City and country)

in connection with which the establishment of my nationality in the United States is pertinent, evidence of which is submitted herewith;

That the name, official title, and address of the officer of the foreign country to whom I desire that the certificate of nationality, if and when issued, be transmitted, are: _____

_____,
(State judicial

_____ at _____
(City and country)

in connection with which the establishment of my nationality in the United States is pertinent, evidence of which is submitted herewith;

That the name, official title, and address of the officer of the foreign country to whom I desire that the certificate of nationality, if and when issued, be transmitted, are: _____

_____,
(State judicial

_____ at _____
(City and country)

in connection with which the establishment of my nationality in the United States is pertinent, evidence of which is submitted herewith;

That the name, official title, and address of the officer of the foreign country to whom I desire that the certificate of nationality, if and when issued, be transmitted, are: _____

_____,
(State judicial

_____ at _____
(City and country)

in connection with which the establishment of my nationality in the United States is pertinent, evidence of which is submitted herewith;

That the name, official title, and address of the officer of the foreign country to whom I desire that the certificate of nationality, if and when issued, be transmitted, are: _____

_____,
(State judicial

_____ at _____
(City and country)

in connection with which the establishment of my nationality in the United States is pertinent, evidence of which is submitted herewith;

That the name, official title, and address of the officer of the foreign country to whom I desire that the certificate of nationality, if and when issued, be transmitted, are: _____

_____,
(State judicial

_____ at _____
(City and country)

in connection with which the establishment of my nationality in the United States is pertinent, evidence of which is submitted herewith;

That the name, official title, and address of the officer of the foreign country to whom I desire that the certificate of nationality, if and when issued, be transmitted, are: _____

_____,
(State judicial

_____ at _____
(City and country)

in connection with which the establishment of my nationality in the United States is pertinent, evidence of which is submitted herewith;

That the name, official title, and address of the officer of the foreign country to whom I desire that the certificate of nationality, if and when issued, be transmitted, are: _____

_____,
(State judicial

_____ at _____
(City and country)

in connection with which the establishment of my nationality in the United States is pertinent, evidence of which is submitted herewith;

That the name, official title, and address of the officer of the foreign country to whom I desire that the certificate of nationality, if and when issued, be transmitted, are: _____

named herein and whose signature appears above; that _____ he has read the foregoing application and knows the contents thereof; that the same is true of his/her own knowledge, except as to matters therein stated to be alleged upon information and belief, and that as to those matters _____ he believes them to be true.

Subscribed and sworn to before me this _____ day of _____, 19____.

[SEAL] _____

(Signature of attester)

(Title of attester)

§ 19.11 *Form of certificate of nationality.* Upon the approval of such an application a certificate of nationality for use in a judicial or administrative proceeding in a foreign state shall be issued in the following form:

CERTIFICATE OF NATIONALITY

(This certificate has been prescribed by the Secretary of State pursuant to section 502 of the act of October 14, 1940 (54 Stat. 1171). It is valid only for transmission through the appropriate official channels to the judicial or administrative officer of a foreign state for use solely in judicial or administrative proceedings pending in such state in which the establishment of American nationality is pertinent)

This is to certify that _____
who now resides at _____ in _____
(Street)

_____,
(Town or city) (Province or county)

_____,
(State or country)

has applied to the Secretary of State of the United States of America for a certificate of nationality and has submitted evidence of his acquisition of nationality in the United States at birth and of the pendency of judicial or administrative proceedings in a foreign state in connection with which the establishment of his nationality in the United States is pertinent, and it has been found that he is now a national of the United States. A photographic likeness of the applicant for this certificate is affixed hereto.

In testimony whereof this special Certificate of Nationality, the issuance of which is authorized under section 502 of the act of October 14, 1940, is issued this _____ day of _____, 19____.

[SEAL] _____

(Signature of Secretary of State)

(Title of Secretary of State)

(Signature of Secretary of State)

(Title of Secretary of State)

(Signature of Secretary of State)

(Title of Secretary of State)

(Signature of Secretary of State)

(Title of Secretary of State)

(Signature of Secretary of State)

(Title of Secretary of State)

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(Signature of Secretary of State)

(Title of Secretary of State)

(Signature of Secretary of State)

(Title of Secretary of State)

(Signature of Secretary of State)

(Title of Secretary of State)

(Signature of Secretary of State)

(Title of Secretary of State)

The aforesaid applicant, being duly sworn, deposes and says that _____ he is the person

(Signature of applicant)

(Address at which applicant

receives mail)

[SEAL]

CORDELL HULL,

Secretary of State.

JANUARY 2, 1941.

[F. R. Doc. 41-77; Filed, January 3, 1941; 11:57 a. m.]

TITLE 30—MINERAL RESOURCES

CHAPTER III—BITUMINOUS COAL
DIVISION

(Docket No. A-447)

PART 323—MINIMUM PRICE SCHEDULE,
DISTRICT NO. 3

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD 3 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 3 NOT HERETOFORE CLASSIFIED AND PRICED

A petition pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment of price classifications and minimum prices for the coals of certain mines in District No. 3 not heretofore classified and priced; and

The Director having fully considered said petition and the data in support thereof,

H. A. GRAY,
Director.

§ 323.6 Alphabetical List of Code Members

ALL SHIPMENTS EXCEPT TRUCK

NOTE: The material contained in this supplement is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Price Schedule No. 1 for this District and supplements thereto.

[Alphabetical listing of code members having railway loading facilities, showing price classification by size group numbers]

Mine No. index	Code member	Mine name	Seam	Size group Nos.												
				1	2	3	4	5	6	7	8	9	10	11	12	13
190	Brook, Mitchell & Reed (James M. Reed)	Liston	M. V. Freeport													
990	Faber & Reed Bros.	Frum	Pittsburgh													
545	Pood, John W.	Potter	Pittsburgh													
184	State Hill Coal Co.	Eureka	M. V. Freeport													
750	State Hill Coal Co.	Reiner	Pittsburgh													
183	Tanner, H. H. (Black Diamond Coal Co.)	Black Diamond	Pittsburgh													
1088	Wise, J. A.	Wise #1	Pittsburgh													

NOTE: For railroad fuel prices, add these mine index numbers to the respective groups set forth in Price Schedule No. 1: Group No. 1—990, 545, 750, 183, 1088; Group No. 3—190, 184.

All mines in Freight Origin Group 53, will take the same necessary or permissible adjustments as Freight Origin Groups 61 and 52.

§ 323.23 General Prices

TRUCK SHIPMENTS

NOTE: The material contained in this supplement is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Price Schedule No. 1 for this District and supplements thereto.

Code member index	Code member	Mine name	Seam	County	Size groups						
					1	2	3	4	5	6	7
1146	Ancharuk, Mike	Mountain	M. V. Freeport	Preston	Lump over 2" egg size	225	218	225	200	190	180
1033	Bennett Brothers (J. Q. A. Bennett)	Farview	Elk Lick	Lewis	Lump 2" and under, egg 1 1/2" and under, bottom size	223	218	225	200	190	180
1128	Bennett, Charles E.	Bennett	Waynesburg	Monon	Lump 1 1/2" and under, egg 1 1/2" and under, bottom size	208	203	203	178	163	153
1038	Brady, Roy B.	Brady	W. V. Kitt	Upshur	Lump 1 1/2" and under, egg 1 1/2" and under, bottom size	208	203	203	178	163	153
1120	Bruck, Alfred L. & Reed (James M. Reed)	Liston	M. V. Freeport	Preston	Lump 1 1/2" and under, egg 1 1/2" and under, bottom size	225	225	200	200	190	180
1126	Calk, J. Bert & Arthur E. Shogart (Bert Shogart)	Cale	Bakersburg	Preston	Lump 1 1/2" and under, egg 1 1/2" and under, bottom size	235	235	210	210	200	190
1035	Calk, J. Bert & Arthur E. Shogart (Bert Shogart)	Stonestreet	Pittsburgh	Harrison	Lump 1 1/2" and under, egg 1 1/2" and under, bottom size	223	218	218	193	178	168
1035	Calk, J. Bert & Arthur E. Shogart (Bert Shogart)	Cale	Redstone	Upshur	Lump 1 1/2" and under, egg 1 1/2" and under, bottom size	223	218	218	193	178	168
1037	Claypool, B. W.	Claypool	H. V. Kitt	Upshur	Lump 1 1/2" and under, egg 1 1/2" and under, bottom size	223	218	218	193	178	168
1147	Collins, Everett Lee	Wolf Creek	Clanton	Braxton	Lump 1 1/2" and under, egg 1 1/2" and under, bottom size	223	218	218	193	178	168
1046	Cox, A. D.	Cox	Pittsburgh	Preston	Lump 1 1/2" and under, egg 1 1/2" and under, bottom size	223	218	218	193	178	168
1042	Davis, C. E.	Davis	H. V. Kitt	Upshur	Lump 1 1/2" and under, egg 1 1/2" and under, bottom size	223	218	218	193	178	168
1131	DeWitt, Jesse	DeWitt	M. V. Freeport	Preston	Lump 1 1/2" and under, egg 1 1/2" and under, bottom size	223	218	218	193	178	168
1125	Ellison, W. N.	Ellison	Clanton	Braxton	Lump 1 1/2" and under, egg 1 1/2" and under, bottom size	223	218	218	193	178	168
1033	Fortney, Paul	Fortney	Sewickley	Monon	Lump 1 1/2" and under, egg 1 1/2" and under, bottom size	223	218	218	193	178	168
1039	Harbert, Ralph R.	Helen	Pittsburgh	Braxton	Lump 1 1/2" and under, egg 1 1/2" and under, bottom size	223	218	218	193	178	168
1130	Hart, Guy F.	Hartner	Pittsburgh	Harrison	Lump 1 1/2" and under, egg 1 1/2" and under, bottom size	223	218	218	193	178	168
1139	Hess, Roy	Hess	M. V. Freeport	Monon	Lump 1 1/2" and under, egg 1 1/2" and under, bottom size	223	218	218	193	178	168
1044	Hicks, J. D.	Hicks	No. 2 Gas	Nicholas	Lump 1 1/2" and under, egg 1 1/2" and under, bottom size	223	218	218	193	178	168
1145	Hughes, R. G.	Hughes	Redstone	Harrison	Lump 1 1/2" and under, egg 1 1/2" and under, bottom size	223	218	218	193	178	168
1148	Howell, Walter	Howell	Webster	Webster	Lump 1 1/2" and under, egg 1 1/2" and under, bottom size	223	218	218	193	178	168
1134	Jaynes, R. M. (Jaynes Coal Co.)	Jaynes	Pittsburgh	Monon	Lump 1 1/2" and under, egg 1 1/2" and under, bottom size	223	218	218	193	178	168
1061	Leaseburg, E. L.	Leaseburg	Pittsburgh	Braxton	Lump 1 1/2" and under, egg 1 1/2" and under, bottom size	223	218	218	193	178	168
1041	Marple, O. J.	O. U. Marple	Redstone	Upshur	Lump 1 1/2" and under, egg 1 1/2" and under, bottom size	223	218	218	193	178	168
1064	March, E. C. & E. J. Martin	Hellin	Elk Lick	Lewis	Lump 1 1/2" and under, egg 1 1/2" and under, bottom size	223	218	218	193	178	168
1036	Mathews, Raymond	Mathews	Redstone	Upshur	Lump 1 1/2" and under, egg 1 1/2" and under, bottom size	223	218	218	193	178	168
1136	McDonald, J. J.	Ruth #2	Pittsburgh	Monon	Lump 1 1/2" and under, egg 1 1/2" and under, bottom size	223	218	218	193	178	168
1135	McDonald, J. J.	McDonald	M. V. Freeport	Monon	Lump 1 1/2" and under, egg 1 1/2" and under, bottom size	223	218	218	193	178	168
1133	McDonald, J. J.	Moore	Redstone	Monon	Lump 1 1/2" and under, egg 1 1/2" and under, bottom size	223	218	218	193	178	168
1143	Merzantown Glassware Guild	Merzantown	Pittsburgh	Harrison	Lump 1 1/2" and under, egg 1 1/2" and under, bottom size	223	218	218	193	178	168
1048	Nutter, Lee	Nutter	Pittsburgh	Harrison	Lump 1 1/2" and under, egg 1 1/2" and under, bottom size	223	218	218	193	178	168
1043	Radcliff, Dwight A.	Radcliff	Pittsburgh	Harrison	Lump 1 1/2" and under, egg 1 1/2" and under, bottom size	223	218	218	193	178	168
1043	Reeder, L. B.	Reeder	Redstone	Upshur	Lump 1 1/2" and under, egg 1 1/2" and under, bottom size	223	218	218	193	178	168
1034	Simons, H. S.	Carlier	H. V. Kitt	Upshur	Lump 1 1/2" and under, egg 1 1/2" and under, bottom size	223	218	218	193	178	168
1041	Smith Brothers (Woodrow Smith)	Smith	Elk Lick	Lewis	Lump 1 1/2" and under, egg 1 1/2" and under, bottom size	223	218	218	193	178	168
1045	Smith, J. C.	Stonestreet	Pittsburgh	Harrison	Lump 1 1/2" and under, egg 1 1/2" and under, bottom size	223	218	218	193	178	168
1045	Spinks, J. C.	Groves	Eagle	Nicholas	Lump 1 1/2" and under, egg 1 1/2" and under, bottom size	223	218	218	193	178	168
1045	Starford, W. E. (Eureka Coal Co.)	Eureka	M. V. Freeport	Preston	Lump 1 1/2" and under, egg 1 1/2" and under, bottom size	223	218	218	193	178	168
1047	Stark, H. E.	Stark	Pittsburgh	Harrison	Lump 1 1/2" and under, egg 1 1/2" and under, bottom size	223	218	218	193	178	168
1037	Swisher, H. H. (Black Diamond Fuel Co.)	Swisher	Pittsburgh	Harrison	Lump 1 1/2" and under, egg 1 1/2" and under, bottom size	223	218	218	193	178	168
1142	Tanner, H. H. (Black Diamond Fuel Co.)	Black Diamond	Pittsburgh	Harrison	Lump 1 1/2" and under, egg 1 1/2" and under, bottom size	223	218	218	193	178	168
1142	Taylor, Curtin	Taylor	Swick	Nicholas	Lump 1 1/2" and under, egg 1 1/2" and under, bottom size	223	218	218	193	178	168
1140	Vickers, Valentine	Vickers #1	Pittsburgh	Harrison	Lump 1 1/2" and under, egg 1 1/2" and under, bottom size	223	218	218	193	178	168

[F. R. Doc. 41-31; Filed, January 2, 1941; 11:22 a. m.]

[Docket No. A-481]

PART 327—MINIMUM PRICE SCHEDULE,
DISTRICT NO. 7

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD 7 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 7 NOT HERETOFORE CLASSIFIED AND PRICED

A petition pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment of price classifications and minimum prices for the coals of certain mines in District 7 not heretofore classified and priced; and

The Director having fully considered said petition and the data in support thereof,

Now, therefore, it is ordered, that a reasonable showing of the necessity

therefor having been made, pending final disposition of the petition in the above-entitled matter, temporary relief be, and it hereby is, granted as follows: Commencing forthwith § 327.34 is amended by adding thereto the supplement dated December 30, 1940, which is hereinafter set forth.

It is further ordered, That applications to stay, terminate or modify this temporary order, or pleadings in opposition to the final relief requested in said petition, may be filed within forty-five (45) days hereof, pursuant to the rules and regulations governing practice and procedure before the Bituminous Coal Division and proceedings instituted pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, and that this order and the relief herein granted shall become final sixty (60) days from the date hereof unless the Director shall otherwise order.

Dated: December 30, 1940.

[SEAL]

H. A. GRAY,
Director.

§ 327.34 General Prices

TRUCK SHIPMENTS

[Prices in Cents Per Net Ton for Shipment Into All Market Areas]

NOTE: The material in this Supplement is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Price Schedule No. 1 for this District and Supplements thereto.

SD	Code member index	Mine	Mine Index No.	County	Seam	All lump $\frac{1}{2}$ " or larger, all egg and stove					
						All nut or pea $\frac{1}{4}$ " top size or smaller	Screened M/R containing 40% or more $\frac{1}{4}$ " slack	Straight mine run screenings larger than $\frac{1}{4}$ "	$\frac{1}{4}$ " screenings	$\frac{1}{8}$ " screenings	
						1	2	3	4	5	6
1	Bean, J. C.	Bean	709	Greenbrier	Welch	290	250	280	215	190	185
4	Dash, John C., Jr.	Dash	702	McDowell	War Creek	290	225	250	195	155	150
2	Goose Creek Coal Co.	Goose Creek	701	Fayette	Sewell	315	250	280	215	195	190
2	Hanshaw, J. E. & M. S. Lively	Hall	705	Fayette	Sewell	315	250	280	215	195	190
4	Kalowick, Nick	#1	704	McDowell	War Creek	290	225	250	195	155	150
4	Miller & Moore Coal Co.	Miller & Moore	707	McDowell	Bradshaw	315	250	280	215	185	180
2	Ralney, J. F.	Ralney	708	Fayette	Sewell	315	250	280	215	195	190

[F. R. Doc. 41-30; Filed, January 2, 1941; 11:21 a. m.]

[Docket No. A-446]

PART 328—MINIMUM PRICE SCHEDULE,
DISTRICT NO. 8

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD 8 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 8 NOT HERETOFORE CLASSIFIED AND PRICED

A petition pursuant to section 4 II (d) of the Bituminous Coal Act of 1937 having been duly filed with this Division by the above-named party, requesting the establishment of price classifications and minimum prices for the coals of certain mines in District No. 8 not heretofore classified and priced; and

The Director having fully considered said petition and the data in support thereof,

Now, therefore, it is ordered, That a reasonable showing of the necessity therefor having been made, pending final disposition of the petition in the above-entitled matter, temporary relief be, and it hereby is, granted as follows: Commencing forthwith, §§ 328.11 and 328.34 are amended by adding thereto the supplements dated December 30, 1940, which are hereinafter set forth.

It is further ordered, That applications to stay, terminate or modify this temporary order, or pleadings in opposition to the final relief requested in said petition, may be filed within forty-five (45) days hereof, pursuant to the rules and regulations governing practice and procedure before the Bituminous Coal Division and proceedings instituted pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, and that this order and the relief herein granted shall become final sixty (60) days from the date hereof unless the Director shall otherwise order.

Dated: December 30, 1940.

[SEAL]

H. A. GRAY,
Director.

§ 328.11 Alphabetical List of Code Members

ALL SHIPMENTS EXCEPT TRUCK

NOTE: The material contained in this supplement is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Price Schedule No. 1 for this District and supplements thereto.

[Alphabetical list of code members having railway loading facilities, showing price classifications by size groups for all uses except as separately shown]

Mine index No.	Code member	Mine name	Sub- dist. No.	High volatile seam	Freight origin group No.	Price classifications by size group numbers																											
						For destinations other than Great Lakes												For Great Lakes cargo only															
						1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	
85	Atlas Coal Company	Atlas	6	Lower Hignite	113	K	K	H	G	E	C	C	B	D	G																	E	C
2543	Barrowman, David (Spencer Gap Coal Company)	Beaver	1	Upper Elkhorn	63																												
100	Central Elkhorn Coal Co., The	No. 6	1	Elkhorn #1	61																												
121	Clover Fork Coal Company	Clover Fork	2	Harlan	80																												
604	Drandy Coal Company (Thomas Curry)	Drandy	1	Cannel	123																												
185	Edgemont Fuel Company	Edgemont	1	Elkhorn #1 & 2	61																												
608	Elkhorn Mining Co., Inc.	Lower Elkhorn	1	Lower Elkhorn	63	K	K	H	G	E	C	C	B	D	G																		
228	Fox Ridge Fuel Company	Hanby	6	Straight Creek	111	M	M	K	J	G	E	G	E	D	D																		
1597	Gibson, Woodard	Gibson	6	Horse Creek	111	M	M	K	J	G	E	G	E	D	D																		
2891	Goode, L. S. (Goode Coal Company)	Goode	6	Bernstadt	111	M	M	K	J	G	E	G	E	D	D																		
1693	Hacker, Ora (Herd Branch Coal Co.)	Herd Branch	6	Horse Creek	111	M	M	K	J	G	E	G	E	D	D																		
3120	Hi-Light Coal Co. (Walter Speaks)	Hi-Light Coal Co.	6	Hazard #4	100	K	K	J	H	G	E	G	E	D	D																		
599	Hurt, W. E.	McKenney	8	Alma	130	P	P	M	L	K	H	F	C	D	G																		
599	Jeffrey Coal Co., Ltd. (Alex. Jeffrey)	Jeffrey	6	Bon Air #2	210	P	P	M	L	K	H	F	C	D	G																		
603	Kelly's Creek Colliery Co.	Buff Lick	4	Cedar Grove	125	O	O	L	K	H	F	C	D	G																			
2104	Miller & King Co. (E. H. Miller)	Wingfield	6	No. 3	70	O	O	M	L	K	H	F	C	D	G																		
2127	Mondrage, Steve	Steve Mondrage	7	Upper Banner	10	O	O	M	L	K	H	F	C	D	G																		
579	Paulley, Clay D.	Pyotoma Cannel Coal Co.	4	Cannel	123																												
232	Peter White Coal Co.	Peter White	8	Pond Creek	130	O	O	L	K	G	E	G	E	D	D																		
605	Pewee Coal Company	Pewee	6	Free West	71	A	A	A	A	A	A	A	A	A	A																		
1982	Shady, Oscar & Lewis M.	Shady Bros. Blue Gem	6	Blue Gem	112	A	A	A	A	A	A	A	A	A	A																		
2236	Shady Coal Co., Inc.	Shig Sandy	6	Elkhorn #1	61	A	A	A	A	A	A	A	A	A	A																		
3266	Sizemore, Farmer	Clay Co. Coal Co.	6	Horse Creek	111	M	M	K	J	G	E	G	E	D	D																		
1236	Wright, F. A. (Wright Coal Co.)	Bevins 1 & 2	1	Elkhorn	61	K	K	H	G	E	C	C	B	D	G																		

¹ Use Logan subdistrict Cannel prices.

§ 328.34 General Prices for High Volatile Coals

TRUCK SHIPMENTS

[Prices in Cents Per Net Ton for Shipment Into All Market Areas]

NOTE: The material in this Supplement is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Price Schedule No. 1 for this District and Supplements thereto.

Code member index	Mine	Mine Index No.	Seam	Base sizes							
				Lump over 2", egg 4" x 6"	Lump 2" and under, egg 3" x 6"	Lump 1 1/2" and under	Egg 2" x 4", egg 2" x 5"	Stove 3" and under, nuts 2" and under	Straight mine run	2" and under, slack	3/4" and under, slack
				1	2	3	4	5	6	7	8
SUB-DISTRICT NO. 1—BIG SANDY ELKHORN											
Pike County, Ky.											
Elkhorn Mining Co., Inc.	Lower Elkhorn	608	Lower Elkhorn	275	255	220	230	215	210	170	165
SUB-DISTRICT NO. 4—KANAWHA Kanawha County, W. Va.											
Kelly's Creek Colliery Company	Buff Lick	603	Cedar Grove	255	235	225	215	200	215	170	165
SUB-DISTRICT NO. 6—SOUTHERN APPALACHIAN Clay County, Ky.											
Sizemore, Farmer	Clay Co. Coal Co.	3266	Horse Creek	265	245	220	220	205	210	155	150
Campbell County, Tenn.											
Pewee Coal Company	Pewee	605	Pee Wee	335	315	235	260	225	225	170	165
Overtown County, Tenn.											
Jeffrey Coal Company, Ltd. (Alex Jeffrey)	Jeffrey	599	Bon Air #2	250	230	205	210	185	195	135	130
SUB-DISTRICT NO. 8—WILLIAMSON McDowell County, W. Va.											
Peter White Coal Co.	Peter White	232	Pond Creek	255	235	225	215	205	215	180	175
Mingo County, W. Va.											
Hurt, W. E.	McKenney	569	Alma			220			210		

[F. R. Doc. 41-32; Filed, January 2, 1941; 11:22 a. m.]

TITLE 32—NATIONAL DEFENSE CHAPTER VII—SELECTIVE SERVICE SYSTEM

[Amendment No. 7]

AMENDING THE REGULATIONS SO AS TO PROVIDE FOR THE ISSUANCE OF DUPLICATE REGISTRATION CERTIFICATES, AND INCORPORATING THE APPROPRIATE FORM TO ACCOMPLISH SUCH PURPOSE

By virtue of the provisions of the Selective Training and Service Act of 1940, approved September 16, 1940, and the authority vested in me by the rules and regulations prescribed by the President thereunder, I hereby amend the Selective Service Regulations in the following manner:

1. Paragraph 239, Section XIII, Volume Two, shall be designated as "239 a." and No. 3—3

there shall be added thereto a new subparagraph, designated "b.", reading as follows:

b. A duplicate registration certificate may be issued to a registrant by the local board having jurisdiction of the registrant upon written application, made on DSS Form 14, and the presentation of proof satisfactory to the local board that the registration certificate of the registrant has been lost, mislaid, stolen or destroyed and that the registrant has made a diligent search for the certificate and has been unable to find the same. If the local board issues a duplicate registration certificate to the registrant, it shall mark the same "Duplicate" and note the issuance of such certificate upon the application, which shall be filed in the registrant's cover sheet.

15 F.R. 3790.

2. Appendix A, Volume One, paragraph 1, shall be amended by inserting the numeral "14" and a comma between the numerals "5" and "20" thereof, and by adding to said Appendix A the following form:

APPLICATION FOR ISSUANCE OF DUPLICATE REGISTRATION CERTIFICATE

County of _____
State of _____ ss.:

_____ being first duly sworn, deposes and says:

That he registered on _____ (Give date of registration) as required by the Selective Training and Service Act of 1940, and the Proclamation of the President made pursuant thereto; that upon such registration he received from the registrar a registration certificate, and that such certificate has been lost, destroyed, stolen, mislaid (strike out inapplicable words); that he has made a diligent search for such registration certificate without success; that by reason of the foregoing, registrant requests that the Local Board _____ for the State of _____

(Describe)
issue a duplicate registration certificate.

(Affiant)
Subscribed and sworn to before me this _____ day of _____, 194____

Member, Local Board # _____
(A member of a local board may administer an oath or affirmation to registrant by virtue of Paragraph 171 of the Selective Service Regulations.)

INSTRUCTIONS

(1) Do not issue a duplicate registration certificate to a registrant not under your jurisdiction;

(2) Do not issue a duplicate registration certificate (DSS Form 2) unless the registrant's registration card (DSS Form 1) is in the possession of your local board;

(3) Before issuing a duplicate registration certificate (DSS Form 2) require the registrant to execute affidavit;

(4) Mark the certificate, which you issue, "Duplicate" with ink or on the typewriter.

(5) Caution the applicant to use extreme care hereafter since certificates are extremely important and duplicates will not be issued unless good cause is shown.

(6) File the affidavit of the registrant in his cover sheet.

DSS Form 14.

C. A. DYKSTRA,
Director.

DECEMBER 31, 1940.

[F. R. Doc. 41-58; Filed, January 2, 1941; 4:04 p. m.]

TITLE 46—SHIPPING CHAPTER I—BUREAU OF MARINE INSPECTION AND NAVIGATION

[Order No. 71]

GENERAL RULES AND REGULATIONS AMENDMENTS

Pursuant to the authority of R.S. 4405, as amended, (46 U.S.C. 375), an Execu-

15 F.R. 3785.

tive Committee of the Board of Supervising Inspectors, Bureau of Marine Inspection and Navigation, was duly convened by the Secretary of Commerce in the auditorium of the Department of Commerce, Washington, D. C., on December 2, 1940, at which session, after public hearings, the following Regulations and amendments were adopted.

SUBCHAPTER C—MOTORBOATS

The title of Subchapter C—Motorboats, is amended to read as follows:

SUBCHAPTER C—MOTORBOATS, AND CERTAIN VESSELS PROPELLED BY MACHINERY OTHER THAN BY STEAM MORE THAN 65 FEET IN LENGTH

Subchapter C is amended by the addition of the following parts:

Part

- 24 General Provisions.
- 25 Requirements for All Motorboats Except Those of Over 15 Gross Tons Carrying Passengers for Hire.
- 26 Requirements for Motor Vessels Except Those of Over 15 Gross Tons Carrying Passengers for Hire.
- 27 Requirements for Motorboats and Motor Vessels of More Than 15 Gross Tons Carrying Passengers for Hire.
- 28 Specifications and Procedure for Approval of Equipment.

PART 24—GENERAL PROVISIONS

Sec.

- 24.1 Basis.
- 24.2 Application.
- 24.3 Division of regulations.
- 24.4 Intent.
- 24.5 Inspection of steam-propelled motorboats.
- 24.6 Effective dates, general application.
- 24.7 Penalties.
- 24.8 Procedure for mitigation or remission of fines or penalties.
- 24.9 Boarding officers.
- 24.10 Definition of terms.

§ 24.1 *Basis.* The regulations in this subchapter, except Part 29, are prescribed by the Board of Supervising Inspectors and approved by the Secretary of Commerce under authority of the Act of Congress, approved April 25, 1940.*

*§§ 24.1 to 24.10, inclusive, issued under the authority contained in 54 Stat. 163-167; 46 U. S. C. 526-526t.

§ 24.2 *Application.* The regulations contained in Parts 24-28, inclusive, hereinafter referred to as these regulations, are applicable to all vessels, American and foreign, with power-driven propulsion machinery temporarily or permanently installed or attached on board while on the navigable waters of the United States, except:

(a) Tugboats and towboats propelled by steam.

(b) Vessels propelled by steam more than 65 feet in length.

(c) Vessels having on board inflammable or combustible liquid cargo in bulk.

(d) Vessels subject to the International Convention for Safety of Life at Sea, 1929, carrying or certificated to carry more than 12 passengers on an interna-

tional voyage by sea, as defined in said Convention.

(e) Seagoing vessels of 300 gross tons and over propelled by internal-combustion engines subject to inspection and certification by a board of local inspectors.*

§ 24.3 *Division of regulations.* The regulations are divided into four major parts, as follows:

Part

- 25 Requirements for All Motorboats, Except Those of More Than 15 Gross Tons Carrying Passengers for Hire.
- 26 Requirements for All Motor Vessels, Except Those of More Than 15 Gross Tons Carrying Passengers for Hire.
- 27 Requirements for All Motorboats and Motor Vessels of More Than 15 Gross Tons Carrying Passengers for Hire.
- 28 Specifications and Procedure for Approval of Equipment.*

§ 24.4 *Intent.* It is the intent of these regulations to prescribe requirements making effective the provisions of the Act of April 25, 1940, with respect to navigation lights, whistles, bells, lifesaving devices, fire extinguishers, backfire traps, engine-room and fuel-tank-compartment ventilation, and the examination and licensing of operators of motorboats carrying passengers for hire.*

§ 24.5 *Inspection of steam-propelled motorboats.* The local inspectors shall approve the design of the engine, boiler, or other operating machinery and shall inspect same annually on all motorboats which are more than 40 feet in length and which are propelled by machinery driven by steam, in accordance with the applicable provisions of subchapter F. When the local inspectors approve the design of the engine, boilers, or other operating machinery, a letter of approval to that effect shall be issued. When the local inspectors at an annual inspection approve the condition of the engine, boiler or other operating machinery, a letter of approval to that effect shall also be issued, and such letter of approval shall be posted on the vessel under glass.*

§ 24.6 *Effective dates, general application.* The effective dates and general application of the various requirements of the regulations are as follows:

(a) The regulations with respect to the inspection of engines, boilers, or other operating machinery, and the approval of the design thereof, are applicable to all vessels propelled by machinery driven by steam, more than 40 feet and not over 65 feet in length.

(b) The regulations with respect to life preservers, and other lifesaving devices, are effective on and after April 25, 1941, and applicable to all vessels.

(c) The regulations with respect to ventilating systems for bilges of the engine and fuel-tank compartments are applicable to all vessels constructed or decked over on or after April 25, 1940.

(d) The regulations with respect to flame arrestors, backfire traps, or other similar devices on the carburetors of all gasoline engines are applicable to all

vessels, the construction of which or the replacement of the engines of which is begun on or after April 25, 1940.

Exemption. Backfire-arresting requirements are not applicable to outboard motors.

(e) The regulations with respect to fire-extinguishing equipment are effective on and after April 25, 1941, and are applicable to all vessels.

Exemption. Fire extinguishing equipment requirements are not applicable to motorboats propelled by outboard motors not carrying passengers for hire.

(f) The regulations with respect to navigation lights, are applicable to all vessels of 65 feet or less in length.

(g) The regulations with respect to whistles or other sound-producing mechanical devices are applicable to all vessels 16 feet or over and not more than 65 feet in length.

Exemptions. Whistles or other sound-producing devices are not required on (1) motorboats less than 16 feet in length and (2) boats propelled by outboard motors while competing in a race previously arranged and announced, or while engaged in navigation incident to tuning up for a race.

(h) The regulations with respect to bells are applicable to all vessels 26 feet or over and not more than 65 feet in length.

NOTE: The regulations with respect to navigation lights, whistles, and bells are applicable on all waters inside the line prescribed by the Secretary of Commerce dividing the inland waters from the high seas.

Exemptions. Bell requirements are not applicable to (1) motorboats less than 26 feet in length, and (2) boats propelled by outboard motors while competing in a race previously arranged and announced, or while engaged in navigation incident to the tuning up for a race.

(i) The regulations with respect to motorboat operators' licenses are effective on and after April 25, 1941, and are applicable to all operators of motorboats carrying passengers for hire.

Exemption. Licensed operators are not required on motorboats carrying passengers for hire while engaged in fishing contests previously arranged and announced.*

§ 24.7 *Penalties.* If any motorboat or motor vessel subject to any of the provisions of the Act of April 25, 1940 (54 Stat. 163-167; 46 U.S.C. 526-526t), is operated or navigated in violation of said Act or any of these regulations, the owner or operator, either one or both of them, shall, in addition to any other penalty prescribed by law than that contained in section 14 of said Act, be liable to a penalty of \$100: *Provided,* That in the case of motorboats or vessels subject to the provisions of said Act carrying passengers for hire, a penalty of \$200 shall be imposed on the owner or operator, either one or both of them, thereof for any violation of section 6, 7, or 8 of said Act

or of any of the regulations pertaining thereto. For any penalty incurred under section 16 of said Act, the motorboat or vessel shall be held liable and may be proceeded against by way of libel in the district court of any district in which said motorboat or vessel may be found.*

NOTE: Sections 6, 7, and 8 require, respectively, life preservers, licensed operators for motorboats carrying passengers for hire, and fire extinguishers.

§ 24.8 *Procedure for mitigation or remission of fines or penalties.* The Secretary of Commerce or any officer of the Department of Commerce authorized by the Secretary of Commerce may, upon application therefore, remit or mitigate any fine, penalty, or forfeiture incurred under the Act of April 25, 1940, or any of these regulations except the penalties provided for in section 14 of said Act. The application should be in such form and filed in such manner as prescribed by the Secretary.*

§ 24.9 *Boarding officers.* Officers duly authorized to enforce the navigation laws of the United States are authorized to board all motorboats and motor vessels for the purpose of determining and reporting violations of the Act of April 25, 1940, and these regulations.*

§ 24.10 *Definition of terms.* Certain terms used in these regulations are defined as follows:

(a) *Motorboat.* Any vessel 65 feet in length or less which is subject to these regulations.

(1) *Class A.* Any motorboat less than 16 feet in length.

(2) *Class 1.* Any motorboat 16 feet or over and less than 26 feet in length.

(3) *Class 2.* Any motorboat 26 feet or over and less than 40 feet in length.

(4) *Class 3.* Any motorboat 40 feet or over and not more than 65 feet in length.

(b) *Motor vessel.* Any vessel more than 65 feet in length which is subject to these regulations.

(c) *All vessels.* Motorboats and motor vessels which are subject to these regulations.

(d) *Approved.* Approved by the Board of Supervising Inspectors, Bureau of Marine Inspection and Navigation, U. S. Department of Commerce.

(e) *Board.* The Board of Supervising Inspectors of the Bureau of Marine Inspection and Navigation, U. S. Department of Commerce.

(f) *Bureau.* Bureau of Marine Inspection and Navigation, U. S. Department of Commerce.

(g) *Director.* Director of the Bureau of Marine Inspection and Navigation.

(h) *Supervising Inspector.* Supervising Inspector of the Bureau of Marine Inspection and Navigation.

(i) *Local Inspectors.* Board of Local Inspectors of the Bureau of Marine Inspection and Navigation.

(j) *Length.* Length measured from end to end over the deck, excluding sheer.

(k) *Portable fire extinguisher.* Any type which is entirely portable and the gross weight of which, fully charged, does not exceed 55 pounds; also any type exceeding 55 pounds in weight which is equipped with suitable hose and nozzle on reel or other practicable means for reaching any part of the space protected.

(l) *Carrying passengers for hire.* The carriage of any person or persons by a vessel for a valuable consideration, whether directly or indirectly flowing to the owner, charterer, operator, agent or any other person interested in the vessel.

(m) *Carrying freight for hire.* The carriage of any goods, wares, or merchandise or any other freight for a valuable consideration whether directly or indirectly flowing to the owner, charterer, operator, agent, or any other person interested in the vessel.

(n) *Bell.* Any device which produces, when struck, a clear bell-like tone of full round characteristics for sounding bell signals.*

PART 25—REQUIREMENTS FOR ALL MOTORBOATS EXCEPT THOSE OF OVER 15 GROSS TONS CARRYING PASSENGERS FOR HIRE

Navigation Lights

- Sec.
25.1-1 When carried and exhibited.
25.1-2 Classes A and 1.
25.1-3 Classes 2 and 3.
25.1-4 Under sail and machinery.
25.1-5 Visibility.
25.1-6 Approved lights.

Whistles or Other Sound-Producing Devices

- 25.2-1 Where required.

Fog Bell

- 25.3-1 Where required.

Life Preservers or Other Lifesaving Devices

- 25.4-1 Number and type required.
25.4-2 Existing equipment.
25.4-3 Commercial fishing motorboats—Life-boats.
25.4-4 Stowage.

Fire Extinguishers

- 25.5-1 Number and type required.
25.5-2 Existing equipment.
25.5-3 Location and condition.

Carburetor Backfire Flame Arrestor

- 25.6-1 Where required.

Ventilation

- 25.7-1 Where required.

Licensed Operators

- 25.8-1 New operators' licenses.
25.8-2 Eligibility for license.
25.8-3 Authority of supervising inspectors.
25.8-4 Professional qualifications and examination.
25.8-5 Physical qualifications.
25.8-6 Preparation of license.
25.8-7 Renewal of license.
25.8-8 Lost license.
25.8-9 Suspension or revocation of license.

Navigation Lights

§ 25.1-1 *When carried and exhibited.* Every motorboat in all weathers from sunset to sunrise shall carry and exhibit the following lights when under way, and during such time no other lights which

may be mistaken for those prescribed shall be exhibited.*

*§§ 25.1-1 to 25.8-9, inclusive, issued under the authority contained in 54 Stat. 163-167; 46 U. S. C. 526-526t.

§ 25.1-2 *Classes A and 1.* Every motorboat of Classes A and 1 shall carry the following lights:

(a) First: A bright white light aft to show all around the horizon.

(b) Second: A combined lantern in the fore part of the vessel and lower than the white light aft, showing green to starboard and red to port, so fixed as to throw the light from right ahead to two points abaft the beam on their respective sides.*

§ 25.1-3 *Classes 2 and 3.* Every motorboat of classes 2 and 3 shall carry the following lights:

(a) First: A bright white light in the fore part of the vessel as near the stem as practicable, so constructed as to show an unbroken light over an arc of the horizon of 20 points of the compass, so fixed as to throw the light 10 points on each side of the vessel; namely, from right ahead to 2 points abaft the beam on either side.

(b) Second: A bright white light aft to show all around the horizon and higher than the white light forward.

(c) Third: On the starboard side a green light so constructed as to show an unbroken light over an arc of the horizon of 10 points of the compass, so fixed as to throw the light from right ahead to two points abaft the beam on the starboard side. On the port side a red light so constructed as to show an unbroken light over an arc of the horizon of 10 points of the compass, so fixed as to throw the light from right ahead to 2 points abaft the beam on the port side. The said side lights shall be fitted with inboard screens of sufficient length and height or shall be mounted on cabin sides and so set as to prevent these lights from being seen across the bow.*

§ 25.1-4 *Under sail and machinery.* All motorboats propelled by sail and machinery or by sail alone shall carry and exhibit the following lights:

(a) Motorboats of Classes A and 1 when propelled by sail and machinery or by sail alone shall carry the white light prescribed by § 25.1-2 (a) but not the combined lantern prescribed by § 25.1-2 (b).

(b) Motorboats of classes 2 and 3 when propelled by sail and machinery or by sail alone shall carry the colored side lights prescribed by § 25.1-3 (c) but not the white lights prescribed by § 25.1-3 (a) and (b).

(c) In addition, motorboats of all classes when so propelled shall carry ready at hand a lantern or flashlight showing a white light which shall be exhibited in sufficient time to avert collision.*

§ 25.1-5 *Visibility.* Every white light prescribed by these regulations shall be of a character as to be visible at a distance of at least 2 miles. Every colored light prescribed by these regulations shall be of such character as to be visible at a distance of at least 1 mile. The word "visible" when applied to lights shall mean visible on a dark night with clear atmosphere.*

§ 25.1-6 *Approved lights.* On and after April 24, 1943, navigation lights installed, fitted, or replaced on motorboats shall be of an approved type: *Provided*, That navigation lights installed, fitted, or replaced on a motorboat prior to April 25, 1943, may be continued in service on said motorboat provided they are of such character, and so located, arranged, and illuminated as to comply with the requirements in this part: *Provided further*, That any such navigation lights temporarily removed and later placed in the position from which removed on any such motorboat shall not be considered as an installation, fitting, or replacement.*

Whistles or Other Sound-Producing Devices

§ 25.2-1 *Where required.* (a) Motorboats shall be provided with an efficient whistle, horn or other sound-producing mechanical device as follows:

- (1) Class A. None.
- (2) Class 1. Mouth-, hand-, or power-operated, capable of producing a blast of 2 seconds' or more duration and audible for a distance of at least one-half mile.
- (3) Class 2. Hand or power-operated, capable of producing a blast of 2 seconds' or more duration and audible for a distance of at least 1 mile.
- (4) Class 3. Power-operated, capable of producing a blast of 2 seconds' or more duration and audible for a distance of at least 1 mile.

(b) Whistles or other sound-producing mechanical devices which comply with the requirement in effect on April 24, 1940, may be continued in service until April 25, 1943, if such equipment is in good and serviceable condition.*

Fog Bell

§ 25.3-1 *Where required.* Motorboats shall be provided with a bell which produces, when struck, a clear bell-like tone of full round characteristics, for sounding bell signals according to class as follows:

- (a) Classes A and 1. None.
- (b) Classes 2 and 3. One such bell.*

Life Preservers or Other Lifesaving Devices

§ 25.4-1 *Number and type required.* After April 24, 1941, all motorboats shall carry a lifesaving device for each person on board as follows:

(a) Motorboats which carry passengers for hire shall carry an approved life preserver for each person on board.

(b) Motorboats of over 15 gross tons carrying freight for hire shall carry one approved life preserver for each person on board.

(c) Motorboats of Class 3 not carrying passengers for hire shall carry an approved life preserver or ring buoy for each person on board.

(d) All other motorboats not provided for in this section or § 25.4-3 shall carry an approved life preserver, ring buoy, or buoyant cushion for each person on board.*

§ 25.4-2 *Existing equipment.* All life preservers, buoyant cushions, or ring buoys which are permitted by § 25.4-1 and which comply with the requirements of the regulations in effect on April 24, 1941, may be continued in service until April 25, 1943, if such equipment is in good and serviceable condition.*

§ 25.4-3 *Commercial fishing motorboats—Life-floats.* Wooden life-floats made of light buoyant wood may be used on commercial fishing motorboats. The dimensions of every such wooden life-float shall be not less than 4 feet in length, 12 inches in width, and 1¾ inches in thickness, and the weight shall not exceed 25 pounds. The float may be made in one or two pieces. If made in two pieces, they shall be securely attached together with wooden dowels. No metal shall be used in the construction of the float. It shall be provided with two hand-holes, one at each side, midway in the length, which hand-holes shall be not less than 6 inches in length and 2 inches in width, with a margin of at least 1 inch at the edge of the float. Wooden life-floats, made of balsa wood, shall not be less than 3 feet in length, 11½ inches in width, and 2 inches in thickness. The balsa wood used in the construction of such floats shall be of the same quality as required for balsa wood life preservers. Each two-piece float, in addition to the dowsing, shall be securely glued and the dowels shall be four in number of ¾ inch diameter, made of straight-grained dry hardwood, driven through and entirely across the float through holes bored to slightly less diameter than the dowel.*

§ 25.4-4 *Stowage.* Lifesaving devices shall be so placed as to be readily accessible.*

Fire Extinguishers

§ 25.5-1 *Number and type required.* After April 24, 1941, the minimum number and type of approved portable fire extinguishers required on motorboats shall be as set forth in Table I, except that:

(a) Motorboats propelled by outboard motors not carrying passengers for hire are not required to carry fire extinguishers.

(b) Motorboats of more than 15 gross tons carrying freight for hire shall be provided with the minimum number and type of fire extinguishers as set forth in Table II, § 26.3-1.

TABLE I

Class of motorboat	Number of extinguishers	Boats fitted with fixed CO ₂ system ¹
A.....	1	0
1.....	1	0
2.....	2	1
3.....	3	2

¹ To secure this reduction the fixed carbon-dioxide system fitted must be of an approved type and installed and maintained in accordance with the provisions of these regulations covering such systems.

The extinguishing units required by Table I shall be of any of the following approved types and capacities:

1¼-gallon foam; 4-pound carbon dioxide; 1-quart carbon tetrachloride. On boats of Class 3, the approved extinguishers required, may, in the case of the foam and carbon-dioxide type, be of larger capacity, i. e., 2½-gallon foam or 15-pound carbon dioxide and provided in the ratio of one larger unit for two of the units required by Table I.*

§ 25.5-2 *Existing equipment.* Motorboats having on board fire extinguishers of the type which complied with the requirements in effect on April 24, 1941, and which are in good and serviceable condition are not required to carry approved fire extinguishers until after April 24, 1943.*

§ 25.5-3 *Location and condition.* Fire extinguishers shall be at all times kept in condition for immediate and effective use and shall be so placed as to be readily accessible.*

Carburetor Backfire Flame Arrestor

§ 25.6-1 *Where required.* The carburetor(s) of every engine installed on all motorboats after April 25, 1940, which use gasoline as fuel, except outboard motors, shall be fitted with an approved device which has demonstrated its ability to arrest backfire.*

Ventilation

§ 25.7-1 *Where required.* All motorboats which are constructed or decked over after April 24, 1940, and which use gasoline or other liquid fuel having a flash point of less than 110° Fahrenheit shall be provided with ventilation as follows:

(a) At least 2 ventilators fitted with cowls or their equivalent for the purpose of properly and efficiently ventilating the bilges of every engine and fuel tank compartment in order to remove any inflammable or explosive gases.

(b) Motorboats constructed so that the greater portion of the bilges under the engine and fuel tanks are open and exposed to the natural atmosphere at all times are not required to be fitted with ventilators.*

Licensed Operators

§ 25.8-1 *New operators' licenses.* (a) After April 24, 1941, no motorboat while carrying passengers for hire shall be operated or navigated except in charge

of a person duly licensed for such service as provided in these regulations.

(b) All licenses issued to motorboat operators under the Act of June 9, 1910, permitting them to operate or navigate motorboats carrying passengers for hire become null and void on April 24, 1941.*

§ 25.8-2 *Eligibility for license.* Any person who has attained the age of 18 years and is qualified in all other respects, shall be considered eligible and may be examined by the local inspectors for such license.*

§ 25.8-3 *Authority of supervising inspectors.* Each supervising inspector shall have full power in any district in which there is no board of local inspectors or in any district where by reason of distance or other cause, it is inconvenient to resort to the local inspectors to examine and issue motorboat operators' licenses, and to do and perform all the duties imposed upon the local inspectors by these regulations.*

§ 25.8-4 *Professional qualifications and examination.* (a) An applicant for a license as an operator shall submit a sworn application on Form 866A to the local inspectors and shall be examined orally concerning his character and fitness to hold such license. Thorough inquiry into the proofs which the applicant submits concerning his character and ability shall also be made. If, after such oral examination and investigation, the inspectors consider the applicant's capacity, knowledge, experience, character, and habits of life to be such as to warrant entrusting him with the duties and responsibilities involved in the operation and navigation of motorboats carrying passengers for hire, a license authorizing him to discharge such duties on any such motorboat for a term of 5 years shall be issued to him: *Provided further,* Licenses issued under these regulations, shall, prior to April 25, 1941, be accepted as valid under the provisions of the Act of June 9, 1910, regarding licensed operators.

(b) The examination given by the local inspectors will be oral, and will be based upon the subjects which a person operating a motorboat carrying passengers should know before being entrusted with the operation or navigation of such motorboat.

(c) The examination will consist of questions on the regulations governing motorboats, the collision regulations applicable to the waters over which the applicant operates, fire protection and extinguishment, lifesaving equipment, the operation of propelling machinery and, particularly, the safe and proper handling of gasoline motors, the proper method of operating and navigating motorboats carrying passengers, and simple first-aid. Although applicants will be examined only in the collision regulations applicable to the waters upon which they are operating it will be incumbent upon them, should they at any time operate on waters for which the collision regula-

tions differ, to familiarize themselves with the appropriate rules.*

§ 25.8-5 *Physical qualifications.* Applicants for an operator's license under these regulations shall be examined to determine their physical fitness in accordance with the following:

(a) An applicant who has operated a motorboat carrying passengers for hire under authority of a license issued prior to April 25, 1941, may, if it appears to the inspectors that his color sense, vision, hearing, and physical fitness are not badly impaired, be issued an operator's license without further physical examination.

(b) An applicant who has not operated a motorboat carrying passengers for hire under authority of a license issued prior to April 25, 1941, shall be examined by a United States, Public Health surgeon or a reputable physician to determine whether he is physically fit to perform the duties required of him.

(c) Epilepsy, insanity, senility, acute venereal disease, neurosyphilis, or badly impaired hearing, eyesight, or color blindness are causes for rejection.*

§ 25.8-6 *Preparation of licenses.* Licenses signed by one local inspector only shall not be valid, nor shall the name of any other person be substituted for that of a local inspector or a supervising inspector, and every person receiving a license or certificate of lost license shall sign the same and leave a print of his left thumb upon the back thereof immediately upon its receipt.*

§ 25.8-7 *Renewal of license.* (a) An operator's license may be renewed by application to the inspectors. The presentation of the license to be renewed, together with satisfactory certificate of color sense, shall be considered sufficient evidence upon which to renew a license; unless facts shall have come to the knowledge of the inspectors which would render a renewal improper in the case of a particular applicant.

(b) No license shall be renewed more than 30 days in advance of the date of the expiration thereof, unless there are extraordinary circumstances that shall justify a renewal beforehand, in which case the reasons therefor must appear in detail upon the records of the inspectors renewing the license; nor shall any license be renewed unless it is presented within 1 year after the date of its expiration.

(c) Whenever an operator shall apply for renewal of his license more than one year after the date of its expiration, he shall be required to pass an examination.*

§ 25.8-8 *Lost license.* (a) In case of loss of license from any cause, except as stated in § 25.8-9, the inspectors, upon receiving satisfactory evidence of such loss and a record of the lost license from the inspectors that issued same, shall issue a certificate to the owner thereof which shall have the authority of the

lost license for the unexpired term. In all cases the certificates of lost license shall state the board that issued the lost license.

(b) Whenever a license is reported to the local inspectors by an operator as having been lost by him or stolen from him, or whenever a license is stolen from an office of local inspectors, the local inspectors shall immediately report the fact to the Director and give a full description of the license and all facts incident to the loss or theft of same. By the same procedure they shall report the recovery of any licenses reported lost, giving the facts incident to their recovery.*

§ 25.8-9 *Suspension or revocation of license.* (a) Motorboat operators' licenses shall be subject to suspension or revocation on the same grounds and with like procedure as is provided in the case of suspension or revocation of licenses under the provisions of section 4450 of the Revised Statutes, as amended, and any such license shall be subject to revocation or suspension for any acts of incompetency, misbehavior, negligence, unskillfulness, endangering life, or wilfully violating any provision of law or regulations providing for safety. When the license of any operator is revoked, such license shall expire with such revocation, and any license subsequently granted to such person shall be considered as an original license except as to number of issue. Upon the revocation or suspension of the license of any such operator, said license shall be surrendered to the local inspectors.*

PART 26—REQUIREMENTS FOR MOTOR VESSELS EXCEPT THOSE OF MORE THAN 15 GROSS TONS CARRYING PASSENGERS FOR HIRE

Navigation Lights and Sound-producing Devices

Sec.
26.1-1 Pilot rules applicable.

Life Preservers

26.2-1 Number and type required.
26.2-2 Stowage.

Fire Extinguishers

26.3-1 Number and type required.
26.3-2 Substitutions.
26.3-3 Machinery spaces.
26.3-4 Exemptions for fixed systems.
26.3-5 Location and condition.
26.3-6 Inspection.
26.3-7 Existing equipment.

Carburetor Backfire Flame Arrestor

26.4-1 Where required.

Ventilation

26.5-1 Where required.

Navigation Lights and Sound-producing Devices

§ 26.1-1 *Pilot rules applicable.* Motor vessels are subject to the provisions of the pilot rules regarding navigation lights, whistles, bells, and other sound-producing devices applicable to the waters navigated.*

*§§ 26.1-1 to 26.5-1, inclusive, issued under the authority contained in 54 Stat. 163-167; 46 U.S.C. 526-526t.

Life Preservers

§ 26.2-1 *Number and type required.* After April 24, 1941, all motor vessels shall carry an approved life preserver for each person on board: *Provided*, That all life preservers, ring buoys or wooden life floats on board vessels which are of a character that met the requirements of the regulations in effect on April 24, 1941, may be continued in service until April 24, 1943, if such equipment is in good and serviceable condition.*

§ 26.2-2 *Stowage.* Lifesaving devices shall be so placed as to be readily accessible.*

Fire Extinguishers

§ 26.3-1 *Number and type required.* After April 24, 1941, motor vessels shall be provided with approved portable fire extinguishers as follows:

TABLE II	
	Minimum number of fire extinguishers
Not over 50 gross tons.....	1
Over 50 and not over 100 gross tons....	2
Over 100 and not over 500 gross tons....	3
Over 500 and not over 1,000 gross tons....	6
Over 1,000 gross tons.....	8

Table II is based on the ordinary 2½-gallon foam-type fire extinguisher; other types of fire extinguishers may be substituted according to the following schedule:

One 2½-gallon foam type is equivalent to one 15-pound carbon-dioxide (CO₂) type or two 1-quart carbon-tetrachloride type.*

§ 26.3-2 *Substitutions.* No reduction in the number of extinguishers required by Table II will be allowed by the substitution of extinguishers of the same type of greater capacity. Fire extinguishers of approved types of less capacity are allowable when their content equals or exceeds the required quantity of extinguishing agent.*

§ 26.3-3 *Machinery spaces.* In addition to the extinguishers required by Table II, the machinery spaces shall be equipped as follows:

(a) One extinguisher of the type specified in § 26.3-1 for each 1,000 brake-horsepower of the main engines or fraction thereof. However, not more than six such extinguishers need be carried.

(b) On motor vessels over 300 gross tons, one approved 12-gallon foam-type extinguisher or one approved 35-pound carbon-dioxide extinguisher shall be carried.

(c) The 12-gallon foam-type extinguisher and the 35-pound CO₂ extinguisher shall be permanently installed single units of a type which may, by simple means and by a single operator, be rapidly put into operation. They shall be equipped with suitable hose and nozzles on reels or other practicable

means easy of access and of sufficient length to reach any part of the spaces protected.*

§ 26.3-4 *Exemptions for fixed systems.* Motor vessels which are fitted with a fixed smothering system of an approved type in the machinery space are exempted from the provisions of § 26.3-3 (b).*

§ 26.3-5 *Location and condition.* Fire extinguishers shall be at all times kept in condition for immediate and effective use and shall be so placed as to be readily accessible.*

§ 26.3-6 *Inspection.* At least annually all fire extinguishers on motorboats and motor vessels of more than 15 gross tons carrying freight for hire shall be checked under the supervision of the local inspectors as follows:

(a) *Carbon-dioxide-type extinguishers.* Weigh, and if found to be more than 10 per cent under weight, same must be recharged.

(b) *Foam-type extinguishers.* Discharge, thoroughly wash out and recharge in accordance with the manufacturer's instructions.

(c) *Carbon-tetrachloride extinguishers.* Examine and operate (fluid may be discharged into clean dry glass or porcelain container and returned to extinguisher).*

§ 26.3-7 *Existing equipment.* Motor vessels having on board portable fire extinguishers of the type which complied with the requirements in effect on April 24, 1941, and which are in good and serviceable condition are not required to carry approved fire extinguishers until after April 24, 1943.*

Carburetor Backfire Flame Arrestor

§ 26.4-1 *Where required.* The carburetor(s) of every engine installed on all motor vessels after April 25, 1940, which use gasoline as fuel, shall be fitted with an approved device for arresting backfire.*

Ventilation

§ 26.5-1 *Where required.* All motor vessels which are constructed or decked over after April 25, 1940, and which use gasoline or other liquid fuel having a flash point of less than 110° Fahrenheit, shall be provided with ventilation as follows:

(a) At least two ventilators fitted with cowls or their equivalent for the purpose of properly and efficiently ventilating the bilges of every engine and fuel-tank compartment in order to remove any inflammable or explosive gases.

(b) Motor vessels constructed so that the greater portion of the bilges under the engine and fuel tanks are open and exposed to the natural atmosphere at all times are not required to be fitted with ventilators.*

PART 27—REQUIREMENTS FOR MOTORBOATS AND MOTOR VESSELS OF MORE THAN 15 GROSS TONS CARRYING PASSENGERS FOR HIRE

Navigation Lights and Sound-producing Devices

Sec. 27.1-1 Requirements, all vessels.

Life Preservers

27.2-1 Number and type required.
27.2-2 Storage.

Fire Extinguishing Equipment

27.3-1 Number and type required.
27.3-2 Substitutions.
27.3-3 Machinery spaces.
27.3-4 Vessels carrying motor vehicles.
27.3-5 Location and condition.
27.3-6 Inspection.
27.3-7 Existing equipment.

Carburetor Backfire Flame Arrestor

27.4-1 Where required.

Ventilation

27.5-1 Where required.

Licensed Operators

27.6-1 Requirements.

Navigation Lights and Sound-Producing Devices

§ 27.1-1 *Requirements, all vessels.* Motorboats shall comply with the requirements of Part 25 concerning navigation lights, whistles, other sound-producing mechanical appliances, and fog bells. Motor vessels are subject to the provisions of the pilot rules regarding navigation lights, whistles, bells, and other sound-producing devices applicable to the waters navigated.*

*§§ 27.1-1 to 27.6-1, inclusive, issued under the authority contained in 54 Stat. 163-167; 46 U.S.C. 526-526t.

Life Preservers

§ 27.2-1 *Number and type required.* On and after April 25, 1941, all motorboats and motor vessels shall carry an approved life preserver for each person on board: *Provided*, That all life preservers on board vessels which are of a character that met the requirements of the regulations in effect on April 24, 1941, may be continued in service until April 24, 1943, if such equipment is in good and serviceable condition.*

§ 27.2-2 *Stowage.* Lifesaving devices shall be so placed as to be readily accessible.*

Fire Extinguishing Equipment

§ 27.3-1 *Number and type required.* On and after April 25, 1941, motorboats and motor vessels shall be provided with approved portable fire extinguishers as follows:

TABLE III	
	Minimum number of fire extinguishers
Not over 50 gross tons.....	1
Over 50 and not over 100 gross tons....	2
Over 100 and not over 500 gross tons....	3
Over 500 and not over 1,000 gross tons....	6
Over 1,000 gross tons.....	8

Table III is based on the ordinary 2½-gallon foam-type fire extinguisher; other types of fire extinguishers may be substituted according to the following schedule:

One 2½-gallon foam-type is equivalent to one 15-pound carbon-dioxide (CO₂) type or two 1-quart carbon-tetrachloride type.*

§ 27.3-2 *Substitutions.* No reduction in the number of extinguishers required by Table III will be allowed by the substitution of extinguishers of the same type of greater capacity. Fire extinguishers of approved types of less capacity are allowable when their content equals or exceeds the required quantity of extinguishing agent.*

§ 27.3-3 *Machinery spaces.* In addition to the extinguishers required by Table III the machinery spaces of all vessels propelled by internal combustion engines shall be equipped as follows:

(a) One extinguisher of the type specified in § 27.3-1 for each 1,000 brake horsepower of the main engines or fraction thereof. However, not more than six such extinguishers need be carried.

(b) All vessels of more than 300 gross tons, regardless of the flash point of fuel used, and all vessels of 300 gross tons and under using fuel having a flash point of above 110° Fahrenheit, shall be provided with a 12-gallon foam-type or a 35-pound carbon-dioxide-type fire extinguisher for fighting fire in the machinery space.

(c) All vessels using fuel having a flash point of 110° Fahrenheit and lower and all vessels of more than 300 gross tons regardless of the flash point of the fuel used, shall be fitted with an approved carbon-dioxide system in the machinery space.

(d) When a donkey boiler fitted to burn oil as fuel is located in a machinery space, there shall be substituted for the 12-gallon foam-type or 35-pound carbon-dioxide (CO₂) unit required in (b) above one approved 40-gallon foam-type or one approved 100-pound carbon-dioxide (CO₂) type which shall be a permanently installed single unit which may by simple means and by a single operator be rapidly put into operation. They shall be equipped with suitable hose and nozzles on reels or other practicable means easily accessible and of sufficient length to reach any part of the spaces protected.

(e) In machinery spaces of vessels of over 300 gross tons, which contain electric propelling motors and generators of the open type at least one 15-pound carbon-dioxide (CO₂) extinguisher shall be provided for each such electric propelling motor and generating unit.

(f) Small compartments of vessels of over 300 gross tons containing auxiliary internal-combustion engines such as emergency generators shall, in addition to any other extinguishers required, be provided with one approved 15-pound carbon-dioxide (CO₂) or 2½-gallon

foam-type extinguisher for each such compartment. This extinguisher shall be located outside of and adjacent to the entrance of the compartment.

(g) Fixed carbon-dioxide (CO₂) smothering systems shall be arranged to discharge into the lower part of the space protected. The control releasing the gas shall be located in a position outside the space(s) protected and readily accessible when under way. The apparatus furnishing the carbon-dioxide supply shall not be located in the compartment which its discharge outlets protect unless there is no other desirable location available. The quantity of carbon dioxide provided shall be sufficient to flood all protected spaces simultaneously. The whole charge of gas shall be capable of being released simultaneously to all spaces protected by operating the control. All cylinders shall be completely discharged in not more than 2 minutes. The arrangement of the piping shall be such as to give a general and fairly uniform distribution over the entire area protected. When the space protected is part of or directly adjoins spaces where passengers are carried or may congregate, or quarters for crew, or spaces where crew may be stationed or employed, and where the arrangement is such that the discharge of the gas would constitute a hazard, an alarm shall be fitted to the system which will operate simultaneously with the operation of the release control. Screening nozzles shall be provided for all openings which would admit air in such quantities into the lower parts of the space protected as to impair materially the smothering effect.

(h) The quantity of gas required is to be based on the gross volume of the space protected. Where bilges are open or communicating to more than one space, such spaces, together with bilge, shall be considered as one space in determining the capacity of the system. The quantity of gas required for a fixed system on vessels using fuel having a flash point of 110° Fahrenheit and lower shall be as follows:

TABLE IV

Gross volume of space (cu ft.):	Carbon dioxide (in lbs.)
Up to 100.....	7.5.
100-140.....	10.
140-220.....	15.
220-300.....	20.
300-375.....	25.
375-500.....	35.
500-800.....	50.
800-1,200.....	75.
1,200-1,600.....	100.
1,600-2,700.....	150.
2,700-3,600.....	200.
3,600-4,500.....	250.
4,500-6,000.....	300.
6,000-50,000.....	50 lbs. for each 1,000 cu. ft.
Above-50,000.....	50 lbs. for each 1,000 cu. ft.

The quantity of gas required for a fixed system on vessels using fuel having a flash point above 110° Fahrenheit, shall

be as determined by the following formula:

$$W = \frac{L \times B \times D}{22}$$

Where W=the weight of CO₂ required in pounds.

L=the length of machinery space in feet.

B=breadth of the machinery space in feet.

D=distance in feet from tank top or flat forming lower boundary to the underside of deck forming the hatch opening.

(i) Such system shall be in working condition and ready for instant use at all times while passengers are on board.

(j) Cylinders, piping, and controls shall be protected from damage and be securely fastened and supported.

(k) The local inspectors shall determine, at least annually, the quantity of gas available for use by weighing the cylinders. Where weight of CO₂ in any cylinder is more than 10 percent deficient, the cylinder shall be recharged or replaced.*

§ 27.3-4 *Vessels carrying motor vehicles.* All motorboats or motor vessels which transport automobiles or motor vehicles shall carry, in addition to any other extinguishers required by these regulations approved carbon-dioxide, foam-type or carbon-tetrachloride fire extinguishers, in accordance with the following table:

TABLE IV-A

Automobiles or motor vehicles carried	Carbon-dioxide or foam-type fire extinguishers	Carbon-tetrachloride fire extinguisher
1 and not over 5.....	1	4
6 and not over 10.....	2	5
11 and not over 20.....	3	6
21 and not over 30.....	4	8
31 and not over 40.....	5	10
41 and not over 50.....	6	12

(a) For each additional 20 automobiles or motor vehicles, or fraction thereof, add one carbon-dioxide or one foam-type or two carbon-tetrachloride extinguishers.

(b) Table IV-A is based upon, in the case of carbon-dioxide or foam-type extinguishers, 15-pound carbon-dioxide units and 2½-gallon foam-type units. In the case of the carbon-tetrachloride type, each extinguisher is to have a capacity of 1 quart.

(c) These requirements may be reduced to 25 percent but not less than one of either when an efficient overhead water-sprinkling system, a carbon-dioxide or a foam-type system with sufficient hose to reach all parts of the deck where automobiles or motor vehicles are carried is installed, said systems to be installed in accordance with drawings or blueprints and specifications approved by the supervising inspector of the district having original jurisdiction. When a vessel is provided with enough fire extinguishers to take care of all the automobiles or

motor vehicles that can be carried, no extra fire extinguishers shall be required for any number of motorcycles carried.*

§ 27.3-5 *Location and condition.* Fire extinguishers shall be at all times kept in condition for immediate and effective use and shall be so placed as to be readily accessible.*

§ 27.3-6 *Inspection.* At least annually all fire extinguishers shall be checked under the supervision of the local inspectors as follows:

(a) *Carbon-dioxide type extinguishers.* Weigh, and if found to be more than 10 percent under required weight, same must be recharged. Examine discharge pipes and nozzles on fixed systems.

(b) *Foam-type extinguishers.* Discharge, thoroughly wash out, and recharge in accordance with the manufacturer's instructions.

(c) *Carbon-tetrachloride extinguishers.* Examine and operate (fluid may be discharged into clean, dry glass or porcelain container and returned to extinguisher).*

§ 27.3-7 *Existing equipment.* Approved types of portable fire extinguishers now on board vessels subject to these regulations and which are of the carbon-dioxide, foam, or carbon-tetrachloride type may be continued in use. All motorboats and motor vessels will be required to have on board the extinguishers and extinguishing equipment required by these regulations by April 25, 1941, except that motor vessels of over 300 gross tons will not be required to be fitted with fixed carbon-dioxide smothering systems until after April 24, 1943.*

Carburetor Backfire Flame Arrestor

§ 27.4-1 *Where required.* The carburetor(s) of every engine installed on all motorboats and motor vessels after April 25, 1940, which use gasoline as fuel shall be fitted with an approved device which has demonstrated its ability to arrest backfire.*

Ventilation

§ 27.5-1 *Where required.* All motorboats and motor vessels which are constructed or decked over after April 24, 1940, and which use gasoline or other liquid fuel having a flashpoint of less than 110° Fahrenheit, shall be provided with ventilation as follows:

(a) At least two ventilators fitted with cowls or their equivalent for the purpose of properly and efficiently ventilating the bilges of every engine and fuel-tank compartment in order to remove any inflammable or explosive gases.

(b) Motorboats and motor vessels constructed so that the greater portion of the bilges under the engine and fuel tanks are open and exposed to the natural atmosphere at all times are not required to be fitted with ventilators.*

Licensed Operators

§ 27.6-1 *Requirements.* The requirements for licensed operators on motorboats shall be as set forth in Part 25.*

PART 28—SPECIFICATIONS AND PROCEDURE FOR APPROVAL OF EQUIPMENT

General

Sec.
28.1-1 General provision.
28.1-2 Marking.
28.1-3 Plans.

Navigation Lights

28.2-1 Specifications.
28.2-2 Procedure for approval.

Fire Extinguishers

28.3-1 General characteristics.
28.3-2 Specifications for portable foam-type.
28.3-3 Specifications for portable carbon-tetrachloride-type.
28.3-4 Specifications for portable carbon-dioxide-type.
28.3-5 Approval.
28.3-6 Marking of extinguishers.

Lifesaving Equipment

28.4-1 General provisions—Approval.
28.4-2 General characteristics of life preservers and ring buoys.
28.4-3 Buoyant materials.
28.4-4 Specifications for block-cork life preserver.
28.4-5 Specifications for balsa-wood life preserver.
28.4-6 Specifications for kapok life preserver.
28.4-7 Specifications for 20- and 24-inch cork or balsa-wood ring life buoys.
28.4-8 Specifications for kapok buoyant cushion.
28.4-9 Factory inspection.
28.4-10 Manufacturer's affidavit.

Carburetor Backfire Flame Arrestor

28.5-1 General provisions—Approval

General

§ 28.1-1 *General provision.* This part sets forth the specifications and procedure to be followed by manufacturers in order to obtain approval of equipment required by these regulations. Wherever a particular type of equipment or arrangement is specified, any other equipment or arrangement may be approved after suitable trials or tests have shown it to be as effective as the type or arrangement specified.*

*§§ 28.1-1 to 28.5-1, inclusive, issued under the authority contained in 54 Stat. 163-167; 46 U.S.C. 526-526t.

§ 28.1-2 *Marking.* All approved equipment shall be legibly marked with the name and address of the manufacturer.*

§ 28.1-3 *Plans.* After approval, if required, 60 copies of all plans and all specifications of equipment shall be supplied for use by enforcement officers. When plans are furnished in such form that they may be duplicated, two copies only will be required.*

Navigation Lights

§ 28.2-1 *Specifications — (a) Type and sizes of lenses.* The type and mini-

mum size of lenses for navigation lights for motorboats of Classes A, 1, 2, and 3 shall be as follows:

TABLE V
Type and Minimum Size of Lenses

Class	Use	Outside radius of curvature of bulls eye in inches	Visible height in inches	Type
A	White light aft.....	No required size or type.		
A	Combination light.....	No required size or type.		
1	White light aft.....	No required size or type.		
1	Combination lights.....	1 3/4	2 3/4	Fresnel.
2	White light forward.....	1 1/2	3 1/2	Fresnel.
2	White lights aft.....	1 1/2	2 1/2	Fresnel.
2	Side lights.....	1 1/2	3 1/2	Fresnel.
3	White light forward.....	2 1/4	4 1/4	Fresnel.
3	White light aft.....	1 1/2	2 1/2	Fresnel. ¹
3	Side lights.....	2 1/4	4 1/4	Fresnel.

¹ May be of the ball-type fresnel lens.

(b) *Design.* The lens shall be so designed that rays emitted from a light source centrally located within the lens shall emerge practically parallel.

The lens for the port side light, starboard side light, and the combination light shall be of a color that when viewed from the required distance of one mile on a clear dark night, shall appear as a distinctive red or green signal.

(c) *Construction.* Navigation light cases shall be substantially constructed of either metal castings or sheet metal or a combination of both. The materials used shall be either non-corrosive or rendered corrosion-resistant.

The illuminant shall be so located in the case that the intensity of spill light, visible at any angle outside the arc of visibility required for the light, shall be a minimum.

The illuminant shall be rigidly mounted in the case to insure that the height of the illuminant shall always correspond to the vertical center of the bulls eye.

Navigation lights using oil shall have the cases so constructed that the flame of the illuminant shall not be affected by adverse weather conditions.

The combination light for classes A and 1 shall have a center partition projecting forward of the lenses, this partition being of such height and length to prevent the signal (red or green) from being seen across the bow.*

§ 28.2-2 *Procedure for approval.* Plans and specifications in quadruplicate of each type of light for which approval is desired shall be submitted for examination. Upon request one sample of each type of light, complete in all details, for which approval is desired, shall be submitted.

Changes made by a manufacturer in the construction or material of any approved light shall be promptly reported to the Director, and a sample of the light or lights incorporating the changes shall be forwarded to said officer.

If, during the consideration of any lights submitted for approval, it becomes necessary to formulate and conduct tests, such tests will be conducted using the manufacturer's material. All charges shall be borne by the manufacturer.*

Fire Extinguishers

§ 28.3-1 *General characteristics.* All fire extinguishers shall be of efficient design, well constructed of suitable materials, and suitable in character and effectiveness for the purposes intended.*

§ 28.3-2 *Specifications for portable foam type—(a) Materials and workmanship.* The material shall be of the best quality and the construction and finish shall be of first-class character throughout.

(b) *Design and construction.* The 1¼-gallon and 2½-gallon size extinguishers shall be of cylindrical form with a total capacity of 1½ gallons for the 1¼-gallon size and 3 gallons for the 2½-gallon size, provided with a cylindrical inner container, employing as an extinguishing agent an effective extinguishing foam discharged through a hose and nozzle, without stop-cock or valves of any kind and operated by simply inverting the extinguisher.

The extinguisher shall be so designed and constructed that it will withstand an internal hydrostatic pressure of 350 pounds per square inch (held for one minute) without leakage or permanent distortion; and an internal hydrostatic pressure of 385 pounds per square inch (held for one minute) without permanent distortion in excess of the following: An increase in girth of ¼ of an inch; an increase in height of ½ of an inch; a drop in the bottom, at the center, of ⅛ of an inch. Ultimate failure shall not occur at a pressure of less than 455 pounds per square inch and if below 500 pounds per square inch shall not occur in any joint, seam, casting, or fitting. Every shell shall be tested at 350 pounds per square inch at the factory.

Each extinguisher shall be equipped with a safety release device of the frangible disc type to protect the extinguisher shell against excessive pressure. The safety release device shall be so designed and constructed that it will not release at a pressure of 100 pounds per square inch or less and will not be weakened by repeated applications of a pressure of 100 pounds per square inch. It must not fail to prevent the pressure within the extinguisher from rising above 200 pounds per square inch. The safety release device shall be so constructed as to form a complete assembly which cannot be taken apart without destroying the device so that, when it has functioned, it must be replaced with a new complete assembly. No safety release device shall be permitted in which moving parts are necessary to enable it to function.

The inner container shall be of cylindrical form and of rugged construction, and it shall be provided with a suitable,

loosely fitting stopple. It must be readily removable from the extinguisher. All joints on the inner container shall be securely fastened.

Both the inner and outer solution containers shall have suitable filling indicators.

The outlet elbow shall be attached to the extinguisher as near the top as possible and shall be protected with a suitable screen.

The hose shall be made of rubber reinforced with at least 3 layers of canvas and shall be capable of withstanding a hydrostatic pressure of 400 pounds per square inch maintained for a period of five minutes. The attachments of the hose to the coupling and nozzle shall be such as to withstand a hydrostatic pressure of 350 pounds per square inch, held for one minute, without leaking or coming free at the coupling or nozzle.

The twelve-gallon and 40-gallon size extinguisher shall be a permanently installed single unit, securely attached in place of a type which may, by simple means and by a single operator, be rapidly put into operation. The extinguisher shall be of a cylindrical form, provided with a cylindrical inner container employing as an extinguishing agent an effective fire extinguishing foam. The capacity of the extinguisher shall be considered as that of the total volume of the chemical solution, and in the case of the 40-gallon size may be less than 40 gallons, but not less than 36 gallons.

The extinguisher shall be equipped with a hose and nozzle on a reel or a suitable rack so that it shall be easy of access and can be quickly brought into operation by a single operator. Sufficient length of hose to reach all parts of the space protected shall be provided, but the extinguisher shall be tested with not less than 50 feet of hose. A shut-off valve may be supplied, but it shall be so arranged that it will not shut off the discharge completely but will provide sufficient venting area, when in the closed position, to prevent the pressure within the extinguisher from rising sufficiently to cause the safety release device to function when the extinguisher is operated not only at 70° Fahrenheit but at temperatures as high as 120° Fahrenheit.

Every extinguisher shall be subject to a hydrostatic test pressure of 400 pounds per square inch (held for one minute) at the factory, and shall be so designed that extinguisher shall not burst at a pressure less than 1,000 pounds per square inch.

The extinguisher shall be equipped with a suitable safety-release device (such as the frangible disc type), properly placed, and of adequate capacity, and shall assure that the pressure within the extinguisher when discharged at a temperature of 120° Fahrenheit will not rise above the pressure at which the extinguisher is tested if the outlet is plugged and shall not discharge at any pressure which may be developed in the normal operation of the extinguisher.

The inner container shall be of cylindrical form and of rugged construction. It must be readily removable from the extinguisher. All joints in the inner container shall be securely fastened.

The hose shall be made of rubber reinforced with at least 3 layers of canvas and shall be capable of withstanding a hydrostatic pressure of 400 pounds per square inch, maintained for a period of five minutes.

All surfaces of extinguishers which come in contact with the solutions shall be evenly and completely coated with a suitable corrosion-resisting material.

(c) *Performance.* The 1¼-gallon and 2½-gallon size extinguishers shall be so designed and constructed that with the solutions at 70° Fahrenheit it will discharge the stream of foam a horizontal distance of not less than 20 feet within 10 seconds, maintain a range in excess of 20 feet for not less than 25 seconds for the 1¼-gallon size and 50 seconds for the 2½-gallon size from the time the extinguisher is inverted. The maximum pressure shall not be developed within 5 seconds after inversion of the extinguisher and shall not exceed 75 pounds per square inch on free discharge when the extinguisher is operated at a temperature of 70° Fahrenheit. The maximum pressure developed with the extinguisher at a temperature of 120° Fahrenheit and with the outlet plugged shall not exceed 350 pounds per square inch. The extinguisher, when discharged at a temperature of 70° Fahrenheit, shall be capable of discharging 9 gallons of foam for the 1¼-gallon size and not less than 18 gallons of foam for the 2½-gallon size.

The 12-gallon and 40-gallon size extinguisher when operated at any temperatures between 70° and 120° Fahrenheit shall be capable of discharging effective fire extinguishing foam of a total quantity of not less than 85 gallons for the 12-gallon size and 250 gallons for the 40-gallon size. The time of effective discharge shall be approximately three or four minutes and the range of the stream shall not be in excess of 40 feet from the nozzle with the major portion of the foam falling between 20 and 40 feet. The maximum pressure developed within the extinguisher with the outlet closed and the solutions at 120° Fahrenheit shall not exceed 500 pounds per square inch.

(d) *Chemical charge.* For the outer container the chemical charge shall be a water solution of bicarbonate of soda and a foam-forming ingredient, and for the inner container, a water solution of aluminum sulfate. The chemical employed shall be of such quality and in such proportions as will assure compliance with the requirements in regard to pressures and performance.

The chemical charge shall be of such quality and character that it can be stored in the containers in which it is supplied for at least one year without deterioration, and its water solutions shall be capable of remaining in the

charged extinguisher at least one year without deterioration or becoming foul. It shall be capable of producing a durable foam consisting of a mass of minute bubbles filled with a noncombustible gas which are not easily broken down by intense heat and which will adhere well to vertical or horizontal surfaces and not be harmful to persons, or materials not harmed by water.

The containers in which the chemical charge is supplied shall be of substantial construction, preferably entirely of metal, and shall be impervious to moisture or air. Each container shall have a securely attached label bearing complete and detailed directions for the preparation of the charge which it contains. In addition, each label shall include the following:

(1) Some descriptive designation, as, for example, a trade name which is definitely identified with the charge of the particular make and composition which is to be used with the extinguisher.

(2) A statement of the particular extinguisher with which the charge is to be used.

(3) The name and address of the manufacturer of the extinguisher with which the charge is to be used, or his exclusive and generally recognized trademark or trade device.

(e) *Labeling and marking.* Each extinguisher shall have permanently and securely attached to the extinguisher shell a metal plate carrying the following:

(1) Operating directions in letters not less than $\frac{1}{2}$ inch in height, of a color different from the background.

(2) Directions for recharging.

(3) A statement of the particular make or brand of chemical charges to be used with the extinguisher.

(4) A statement that if not used for fire, the extinguisher shall be discharged and recharged at least once a year.

(5) That whenever the extinguisher is discharged, it shall be thoroughly cleaned, including the hose, before refilling.

(6) That it shall be protected from freezing.

(7) That the extinguisher has been tested at the test pressure required.

(8) Each extinguisher shall also bear, either on the metal plate attached to the side of the shell or on a separate metal plate attached to the extinguisher cap, full directions for the care and replacement of the safety release device.*

§ 28.3-3 *Specifications for portable carbon-tetrachloride-type—(a) Materials and workmanship.* The container and all parts of the operating mechanism shall be of brass, lead, or other material of equal corrosion-resisting properties. No material subject to deterioration by the liquid shall be used in contact with the liquid or its vapor. The workmanship and finish shall be of first-class character throughout.

(b) *Type.* Extinguishers shall be of the self-contained, hand-operated type, which expel the extinguishing liquid by the operation of a pump forming an integral part of the extinguisher itself. No form of device whose operation is dependent on stored energy will be acceptable.

(c) *Construction.* The extinguisher shall be of sufficiently rugged construction to withstand the vibrations to which it will be subjected, and shall be capable of being effectively operated at any angle or in any position in which it would be held in actual service, after having been dropped from a horizontal holding position through a distance of 4 feet upon a 2-inch pipe lying at right angles to the axis of the extinguisher on a concrete floor. The design and construction of the parts by which the machine is placed in operation must be as simple as possible and of a character such that their method of use is readily apparent. The design and construction shall be such that at least one quart of extinguishing liquid can be discharged when the extinguisher is operated in any position in which it would be held in actual service.

(d) *Performance.* The extinguisher shall be capable of being easily and effectively operated by a person of ordinary strength; it shall be capable of being effectively operated at any inclination or in any position in which it is likely to be held in service; when held and operated in the normal operating position, the range shall be such that the liquid is projected a horizontal distance of at least 20 feet from the nozzle, in a practically continuous and compact stream, not appreciably broken by the discharge of air. When continuously operated by a person of ordinary strength, it shall be capable of delivering the liquid at the rate of one quart in from 40 to 50 seconds. It shall effectively prevent the loss of extinguishing liquid from the extinguisher by leakage or otherwise.

(e) *Extinguishing liquid.* The extinguishing liquid shall be capable of extinguishing fires caused by the burning of inflammable liquids and solids, shall be a non-conductor of electricity, and shall consist of carbon tetrachloride containing other suitable products necessary to produce a liquid conforming to the following requirements:

(1) *Appearance.* The material shall be a clear, homogeneous, mobile liquid.

(2) *Specific gravity.* The specific gravity at 15.5/15.50 Centigrade shall be not less than 1.50.

(3) *Cold test.* The liquid shall have a cold test not higher than minus 45.50 Centigrade. (minus 50° Fahrenheit.)

(4) *Distillation.* Not over 2 percent shall distill below 60° Centigrade. At least 90 percent shall distill between 70° and 80° Centigrade. At least 99 percent shall distill below 100° Centigrade.

(5) *Impurities.* The liquid shall be free from nitrobenzene, water, acid, or alkali, and free halogen, and shall not contain more than one percent, by

weight, of carbon disulphide. It shall not corrode brass, lead, or other material of equal corrosion-resisting properties.

(f) *Labeling and marking.* Each extinguisher shall have permanently and securely attached to the extinguisher shell a metal plate carrying the following:

(1) Clear and concise operating instructions, conspicuously arranged, in letters not less than one-eighth inch in height, of a color different from that of the background and of the other instructions on the plate. The operating instructions should be the most conspicuous part of the plate.

(2) Complete directions for refilling and cautions against the use of liquids other than those specified, and against permitting the extinguisher to remain partially or completely empty.*

§ 28.3-4 *Specifications for portable carbon-dioxide-type—(a) Materials and workmanship.* The workmanship and finish shall be of first-class character throughout.

(b) *Design.* The design and operation shall be simple and reliable. The carbon dioxide gas shall be contained in cylinders which have been constructed, tested, and marked in accordance with Interstate Commerce Commission specifications applying to containers for this gas and in effect at the time the cylinder is made. The capacity of the cylinders shall be such that when charged with carbon dioxide, the weight of carbon dioxide will not exceed sixty-eight percent of the water capacity by weight, of the cylinder.

A manually operated release valve shall be supplied which shall provide a time of discharge suitable to the size. A suitable outlet shall be provided for directing the carbon dioxide gas or snow. A safety release device of efficient design and operation shall be provided to release the gas between the range of pressure of 2,500 and 3,000 pounds per square inch.

The 35-pound and 100-pound extinguishers shall be of a type which may, by simple means and by a single operator, be rapidly put into operation. They shall be fitted with a suitable nozzle and hose, mounted on a reel or rack, of sufficient length to reach any part of the space to be protected.

The construction shall be rugged and suitable for marine use. The manually operated release valve shall be ruggedly built for repeated operation and shall not be subject to corrosion or shall not cause freezing of the gas discharge.

(c) *Testing.* The charged cylinder used in the original equipment with the necessary fittings shall be tested by means of a water sea for leakage for 24 hours, or by other suitable means, and all leaking cylinders shall be rejected.

(d) *Extinguishing gas.* The carbon dioxide extinguishing gas shall be commercially pure carbonic acid gas or pure carbon dioxide, free from moisture and

from free oxygen and from other impurities in material quantities.

(e) *Labeling and marking.* Each extinguisher shall have permanently and securely attached to the extinguisher's shell a metal plate carrying the following:

(1) Clear and concise operating instructions, conspicuously arranged. The operating instructions shall be the most conspicuous part of the plate.

(2) Complete directions for maintaining the extinguisher in effective condition. The tare weight of the cylinder shall be stamped into the valve and shall include the empty cylinder itself, the valve, and the syphon reaching to the bottom of the cylinder.

(3) A statement that the extinguisher shall be recharged only at charging stations appearing on the card attached to the extinguisher.

In addition to the metal plate, each extinguisher shall be provided with a card, contained in a durable waterproof envelope attached to the extinguisher by a corrosion-resisting wire or metal chain, on which are listed the names and addresses of the manufacturer's recharging stations where there are facilities for properly recharging the extinguisher.*

§ 28.3-5 *Approval.* The manufacturer shall submit an application to the Director for each type of fire extinguisher for which approval is desired, together with plans and specifications in quadruplicate. Upon request such number of samples as are required for proper testing of each type shall be submitted. The cost of conducting tests incident to approval shall be borne by the manufacturer.*

§ 283-6 *Marking.* Every fire extinguisher approved shall have permanently and securely attached, a metallic name plate having plainly stamped thereon the name of the fire extinguisher; the rated capacity in gallons, quarts, or pounds; the name and address of the person or firm for whom approved; the directions for use; and the identifying mark of the actual manufacturer. Other details for marking are also included in the specifications of the various types.*

Lifesaving Equipment

§ 28.4-1 *General provisions—Approval.* The standard specifications for block cork life preservers, balsa wood block life preservers and, kapok life preservers, cork and balsa wood ring buoys and kapok buoyant cushions, are set forth in this part in order to enable manufacturers to produce equipment which fully meets the approval requirements by strict adherence to all details of the standard specifications. Manufacturers who desire to manufacture such standard life preservers, ring buoys, or buoyant cushions are not required to submit samples of such equipment to the Board for approval, but may commence such manufacture after submitting an affidavit in form as provided in § 28.4-10 and receiving

ing confirmation that their name has been placed on the Board's list of equipment manufacturers under affidavit and the assignment of an official approval number for each type of equipment.

Manufacturers who desire to manufacture life preservers, ring buoys, or buoyant cushions of a character and type in any degree different from the standards contained in this part, which equipment is to be sold for use on motorboats and motor vessels subjects to these regulations, shall submit samples in duplicate to the Bureau in order that they may be placed before the Board of Supervising Inspectors for their consideration and approval. Each type of equipment so submitted to the Board and approved by them will receive a separate approval number.*

§ 28.4-2 *General characteristics of life preservers and ring buoys.* Every life preserver or ring buoy shall conform to the following general requirements:

(a) Construction, materials, and workmanship shall be at least equivalent to that of a standard type.

(b) The buoyancy shall not be dependent upon air compartments or loose granulated material.

(c) Life preservers shall be simple in design, reversible, and capable of being quickly adjusted, supporting the wearer in the water in an upright or slightly backward position.*

§ 28.4-3 *Buoyant materials.* The buoyant materials in general use are block cork, balsa wood, and kapok, which, when used in the construction of life preservers and ring buoys, shall conform to the following requirements:

be free from cracks or bark checks greater than one-half the thickness by three-eighths inch wide. Where blocks are made of separate pieces, such pieces shall be fastened together with non-corrosive, buoyant materials.

(b) *Balsa wood.* Balsa wood shall be of the genus *Ochroma* thoroughly killed and heat treated to a moisture content not to exceed 5 percent and shall weigh not more than 8 pounds per cubic foot. It shall be sound, free from rot, dote, knots, pith checks, and other defects.

(c) *Kapok*. It shall be prime Japara kapok of the best quality, well teased and free from seeds or other foreign matter. Kapok shall be tested for buoyancy in the ratio of 16½ pounds for each 20 ounces of kapok or fraction thereof.*

§ 28.4-4 *Specifications for block-cork life preserver*—(a) *Type*. The type shall conform to Fig. 1 and shall be reversible and vestlike with recesses under arms

allow front and back sections to fit around the upper part of the wearer and hold in place by straps, the whole to be of such construction and character as to support the wearer in an upward or slightly backward position. Children's life preservers are to be of the same general form of construction and conform in every respect, as regards material and design, to the standard approved adult life preserver with the exception that the size is to be reduced one-third.

(b) *Buoyant material.*—It shall contain 8 blocks of cork of the following approximate dimensions:

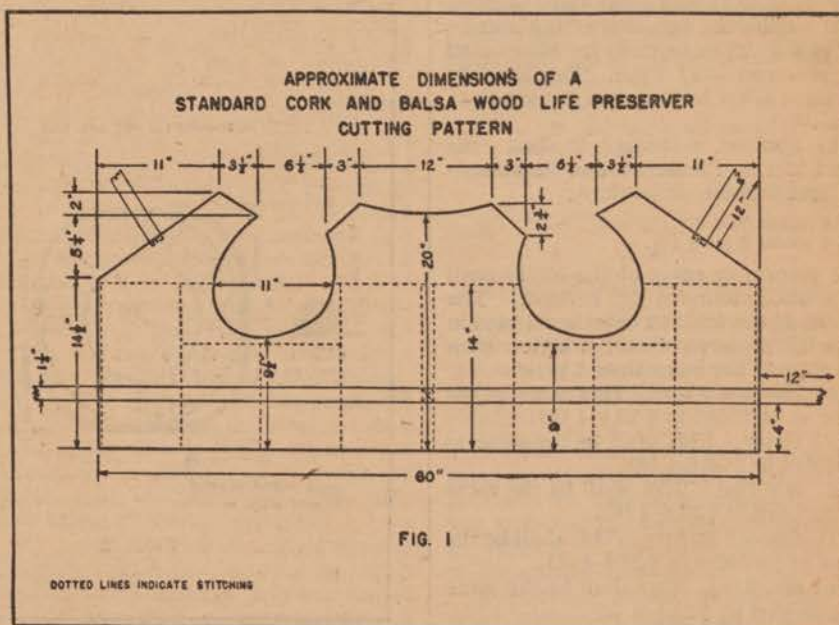


FIG. 1

DOTTED LINES INDICATE STITCHING

(c) *Buoyancy test.* The life preserver shall be submerged in a tank of fresh water for a period of 48 hours. The life preserver shall then support in fresh water a net weight of 16½ pounds or 11 pounds for children's type.

(d) *Cover.* The cover shall be of unbleached, uncolored drill or twill, without filling or sizing, weighing not less than 7.2 ounces to the square yard. It shall be not in more than two pieces, one piece for either side.

(e) *Marking.* Each life preserver shall be plainly marked on the front compartment with either the word, "Adults," or the word, "Children," as the case may be. It shall also be plainly stenciled with the name and address of the manufacturer.

(f) *Smooth surface.* The outside surface, edges, and corners of the buoyant material shall be of such smoothness as will prevent undue destruction of the covering material, and to present a suitable smooth surface for legible stenciling and stamping by inspectors.

(g) *Stitching.* All seams and other machine sewing shall be made with a short lock stitch, with not less than eight stitches to the inch. The lower longitudinal edge of the covering seam shall be turned to a roll and closely rope stitched.

(h) *Straps.* The straps shall have a tensile strength of at least 175 pounds and shall be of double-woven cotton tape 1¼ inches in width having selvage or cord edges. One strap on each side secured by double stitching and extending 12 inches beyond the end of the life preserver, and two neck straps 12 inches in length. All straps are to be sewn to the body of the life preserver by double stitching.

(i) *Thread.* The thread shall be of a size and strength not less than Barbour's linen, 3-cord, No. 25 machine thread. Any thread other than of linen shall require the approval of the board.*

§ 28.4-5 *Specifications for balsa-wood life preserver—(a) Type.* This shall be the same as for cork as provided in § 28.4-4 (a).

(b) *Buoyant material.* It shall contain 8 blocks of balsa wood of the following approximate dimensions:

- 4 blocks 11 x 5 x 1½ and
- 4 blocks 6 x 5 x 1½.

The corners or edges of the blocks shall be slightly rounded or beveled. The weight of the finished balsa wood used in each life preserver shall not be less than 2½ pounds nor more than 3 pounds.

(c) *Buoyancy test.* This shall be the same as provided in § 28.4-4 (c).

(d) *Cover.* This shall be the same as provided in § 28.4-4 (d).

(e) *Marking.* This shall be the same as provided in § 28.4-4 (e).

(f) *Smooth surface.* This shall be the same as provided in § 28.4-4 (f).

(g) *Stitching.* This shall be the same as provided in § 28.4-4 (g).

(h) *Straps.* This shall be the same as provided in § 28.4-4 (h).

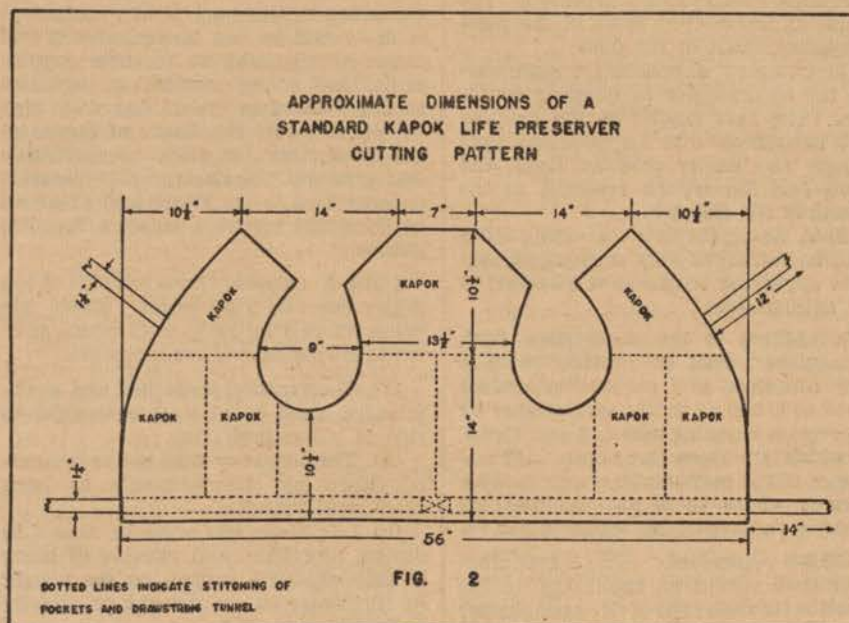
(i) *Thread.* This shall be the same as provided in § 28.4-4 (i).

§ 28.4-6 *Specifications for kapok life preserver—(a) Type.* This type shall be the same as provided in § 28.4-4 (a), except that it shall conform to Fig. 2.

cunes of kapok in the body thereof, the buoyancy test shall be made in the ratio of 16½ pounds to each 20 ounces of kapok.

(d) *Cover.* This shall be the same as provided in § 28.4-4 (d).

(e) *Marking.* This shall be the same as provided in § 28.4-4 (e).



(b) *Buoyant materials.* The life preserver shall be filled with not less than 20 ounces of kapok of the kind provided in § 28.4-3 (c).

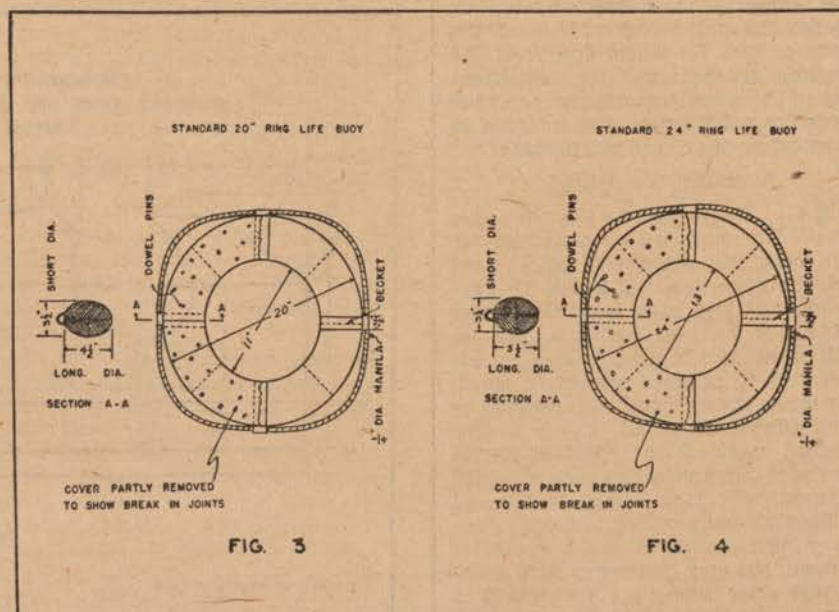
(c) *Buoyancy test.* The life preserver shall be submerged in a tank of fresh water for a period of 48 hours. The life preserver shall then support in fresh water a net weight of 16½ pounds or 11 pounds for children's type. Whenever life preservers contain more than 20

(f) *Stitching.* This shall be the same as provided in § 28.4-4 (g).

(g) *Straps.* This shall be the same as provided in § 28.4-4 (h).

(h) *Thread.* This shall be same as provided in § 28.4-4 (i).*

§ 28.4-7 *Specifications for 20- and 24-inch cork or balsa wood ring life buoys—(a) Type.* Such ring buoys shall conform to the dimensions and details shown in Fig. 3 and Fig. 4 respectively.



(b) *Buoyant materials.* These shall meet the applicable requirements as provided in § 28.4-3 for block cork and balsa wood.

(c) *Smooth surface.* The outside surface and edges of the buoyant material shall be of such smoothness as will prevent undue destruction of the covering material, and to present a suitable smooth surface for legible stenciling and stamping by the inspectors.

(d) *Glue.* The glue used shall be insoluble in water, and the finished life buoy shall stand steaming at a pressure of 2 pounds for a period of 30 minutes without disintegrating or showing other positive indications of the glue losing its adhesive properties.

(e) *Buoyancy test.* The ring buoy shall be submerged in a tank of fresh water for a period of 48 hours. The ring buoy shall then support in fresh water a net weight of 16½ pounds.

(f) *Cover.* The cover shall be of unbleached, uncolored drill or twill, without filling or sizing, weighing not less than 7.2 ounces to the square yard.

(g) *Marking.* Each ring buoy shall be plainly stenciled with the name and address of the manufacturer.

(h) *Stitching.* The cover shall be constructed and placed on the body of the life buoy in a substantial manner. All seams and other machine sewing on the life buoy shall be made with a short lock stitch not less than 8 stitches to the inch. The inside seams shall be sewed with a rope stitch not less than 3 stitches to the inch. All thread used in the construction of the life buoy shall be of a size and strength not less than Barbour's linen, 3-cord, No. 25 machine thread.

(i) *Beckets.* Four beackets about 2 inches wide, made from the same material as the covering of the buoy, shall be securely attached to the life buoy and spaced at equal distance from each other.

(j) *Grab line.* A grab line shall pass through the beackets which shall be sewed tightly together to prevent slipping. The line shall be manila ¼" in diameter, 3-ply, medium quality having the ends securely and neatly spliced, the line to be festooned in bights around the outer edge of the life buoy.*

§ 28.4-8 *Specifications for kapok buoyant cushion*—(a) *Type.* Shall conform to Fig. 5 and shall be a square box type cushion having finished dimensions approximately 15 inches square with a two inch box having two grab straps on opposite edges.

(b) *Buoyant material.* Each cushion shall contain not less than 20 ounces of kapok of the kind provided in § 28.4-3 (c).

(c) *Buoyancy test.* The buoyant cushion shall be submerged in a tank of fresh water for a period of 48 hours. The buoyant cushion shall then support in fresh water a net weight of 20 pounds.

(d) *Cover.* The buoyant material shall be completely protected by a cover of first-grade duck or drill having a weight of not less than 7.2 ounces per

APPROXIMATE DIMENSIONS OF A
STANDARD KAPOK BUOYANT
CUSHION
CUTTING PATTERN.

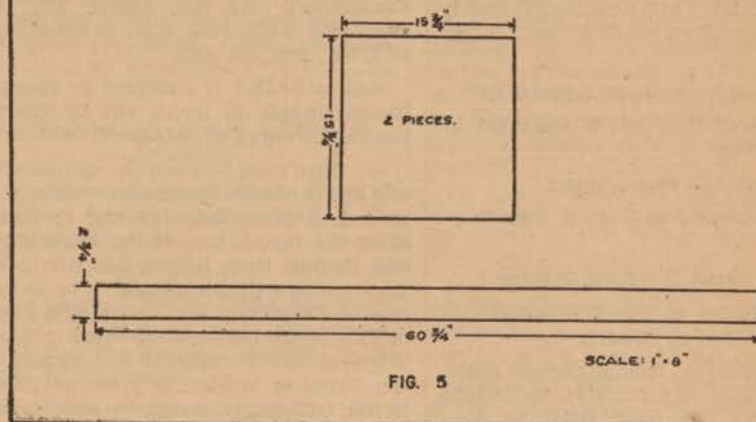


FIG. 5

square yard or a leatherette cover consisting of 59 inch, 1.85 drill, thread count 68 x 40; the coating to be at least the weight of 14 ounces for a finished width of 54 inches. The cover shall be designed and constructed with as few seams as practicable.

(e) *Straps.* Two grab straps one inch in width made of either type of the above cover materials in double thickness securely sewn to the cover by double stitching. Straps shall be of the becket type and of such length that both straps are tight when grasped in one hand.

(f) *Stitching and thread.* The method of stitching and thread employed shall be at least equivalent to the requirements for life preservers as set forth in these regulations.

(g) *Marking.* Each cushion shall be marked, "Approved Buoyant Cushion for Use on Motorboats of Classes A, 1, or 2 not Carrying Passengers for Hire, Act of Congress, April 25, 1940, U. S. Department of Commerce Approval No. —, Name and Address of Manufacturer."*

§ 28.4-9 *Factory inspection*—(a) *Life preservers, ring buoys.* The supervising inspector of the district shall detail a local or assistant inspector to any place where approved life preservers or ring buoys are manufactured, whose duty it shall be to test and examine all such equipment manufactured at that place and satisfy himself that such life preservers and ring buoys are in accordance with the requirements of these regulations. When found to be in accordance with the requirements, the inspector shall stamp them with a stamp bearing the initials of his name and the date of examination and certifying that they have been examined and passed.

(b) *Buoyant cushions.* When deemed necessary by the supervising inspector of the district, an inspector will be detailed to visit any place of manufacture of

buoyant cushions to conduct such examinations and tests as he may find necessary.*

§ 28.4-10 *Manufacturer's affidavit.*

AFFIDAVIT OF MANUFACTURER OF LIFESAVING EQUIPMENT FOR USE ON VESSELS SUBJECT TO THE ACT OF APRIL 25, 1940, (54 STAT. 163-167; 46 U.S.C., 526-526t) AND REGULATIONS THEREUNDER

State of _____, County of _____
On this _____ day of _____, 19____,

I, the undersigned, _____ (Name)

hereby certify that I am the _____ (Title)

of the _____ located at _____ (Name of Company)

_____, that I am authorized to make this affidavit; and that the _____ of our manufacture to be furnished directly or through agents or dealers

for use on vessels subject to the Act of April 25, 1940, will comply with the applicable provisions of the regulations prescribed by the Board of Supervising Inspectors and approved by the Secretary of Commerce.

(Signature) _____
Subscribed and _____ to before me
(Sworn or Affirmed)

this _____ day of _____, 19____

[SEAL] (Signature) _____ (Notary Public)

*Indicate name and description of equipment.

* *Carburetor Backfire Flame Arrestor*

§ 28.5-1 *General provisions—Approval.* Flame arrestors, backfire traps and other similar devices are to meet the following general requirements to secure approval:

(a) Devices which are approved and listed by the Underwriters Laboratories, Inc., will be approved without further test whenever the manufacturer submits an affidavit to that effect to the Board of Supervising Inspectors.

(b) Devices which, at the time of promulgation of these regulations are

approved by the Navy Department, will be approved without further test whenever the manufacturer submits an affidavit to that effect to the Board of Supervising Inspectors.

(c) The Board will receive proposals for approval of other types and will formulate such tests as may be necessary, which tests will be conducted with the manufacturer's material and at his expense.*

PART 29—REGULATION OF MOTORBOATS¹

The title of this part is amended to read as follows:

PART 29—ENFORCEMENT¹

(54 Stat. 163-167; 46 U. S. C. Sup. Subchapter II)

SUBCHAPTER D—TANK VESSELS

Section 33.3-1 (h), first paragraph, is amended to read as follows:

(h) *Flashlight.* One approved flashlight contained in a portable, watertight metal case. The case shall be constructed of 18-ounce, or No. 22 gage B. W. G. copper or equal noncorrosive metal, lock-jointed and soldered, bottom to be rolled in and soldered, cover or top to be made of cast brass not less than one-eighth of an inch thick to fit down on a rubber gasket to make container watertight. The cover shall be so constructed as to be easily removed. Means should be taken to cushion the flashlight and prevent contact with the metal sides of the container. The flashlights shall be of all-metal, rugged construction, of focusing type with a reflector head of about 2 inches in diameter. One extra lamp shall be provided for the flashlight. (Sec. 4405, 4417a, 4488, 4491, R.S., as amended; 46 U.S.C. 375, 391a, 481, 489)

Section 33.3-2 (f), first paragraph, is amended to read as follows:

(f) *Flashlight.* (Optional, See distress Lights.) One standard 3-cell focusing flashlight and 3 extra standard batteries contained in a portable, watertight metal case. The flashlights for lifeboats shall be of all-metal, rugged construction, of focusing type with a reflector head of about 2 inches in diameter. The reflector shall have a true parabolic surface, coated with a heavy silver polished plate, free from marks and dents, and protected by a coat of clear lacquer. The flashlight shall be provided with one extra lamp, and all external parts of the flashlight shall be protected by a heavy nickel-plating or a black baked-on lacquer or enamel. (Sec. 4405, 4417a, 4488, 4491, R.S., as amended; 46 U.S.C. 375, 391a, 481, 489)

SUBCHAPTER F—BOILERS AND APPURTENANCES

Section 51.20-1 (a) is amended by deleting the third paragraph and inserting the following in its stead:

¹ Certificates of award of number (numbering of undocumented vessels), see § 1.63.

Grade B for pressure containing parts of valves and pipe fittings, also boiler mountings, expansion joints, and similar appliances which are subjected to steam pressures up to 300 pounds or temperatures not exceeding 450° F., and for hydraulic or compressed air service up to 1,200 pounds gage pressure where the temperature does not exceed 150° F. (Sec. 4405, 4418, 4433, R.S., as amended; 46 U.S.C. 375, 392, 411)

Section 54.18-2 is amended by changing paragraph (c) to (d) and by inserting the following as paragraph (c):

(c) Upon completion of the hydrostatic test and the boiler examination under the preceding paragraphs (a) and (b), and after the installation of the brick work and lagging, those boilers that are to be operated at a pressure equal to or in excess of 400 pounds per square inch gage, or at a steam temperature equal to or in excess of 700° F., may, at the request of the owner or builder, be given an additional test under steam in accordance with the following:

The steam pressure applied to the boilers and to the main and auxiliary steam piping shall not exceed one and one-quarter times the maximum safe working pressure to be allowed. Sufficient steam is to be bled from the superheater outlet, either by operating auxiliary machinery, or discharging to the atmosphere, so that service temperatures will not be exceeded. For this test the regular safety valve springs should be replaced by springs designed to operate at the test pressure. After the conclusion of this test the test springs are to be replaced with springs designed to operate at the maximum allowable working pressure.

The inspector shall during the test make a careful examination of all parts of the system, and assure himself that the boilers may be operated safely at the pressure allowed. A notation to that effect shall be entered on Form 840-B. The inscription on the boiler and the boiler name plate, as required in paragraph 54.18-2 (d), shall then contain the following entry for steam tests, which shall follow the notation for hydrostatic test, and precede the notation for original working pressure: "Steam test (----- lbs.)." (Sec. 4405, 4418, 4430, 4433, R.S., as amended; 46 U.S.C. 375, 392, 408, 411)

SUBCHAPTER G—OCEAN AND COASTWISE

SUBCHAPTER H—GREAT LAKES

SUBCHAPTER I—BAYS, SOUNDS, AND LAKES OTHER THAN THE GREAT LAKES

SUBCHAPTER J—RIVERS

Section 59.11 (i), first paragraph, and § 60.9 (i), first paragraph, are amended to read as follows:

Flashlight. One approved flashlight contained in a portable, watertight metal case. The flashlights shall be of all-metal, rugged construction, of focusing

type with a reflector head of about 2 inches in diameter. One extra lamp shall be provided for the flashlight. (Sec. 4405, 4488, 4491, R.S., as amended; 46 U.S.C. 375, 481, 489)

Parts 63, 79, 97, and 116 are each amended by the addition of the following new section to be numbered 63.6a, 79.6a, 97.6a, and 116.6a, respectively:

Exhibition of certificate of inspection. On vessels of over 25 gross tons, the original certificate of inspection must be framed under glass and posted in a conspicuous place in the vessel where it will be most likely to be observed by passengers and others. On vessels of not over 25 gross tons, the original certificate of inspection must be kept on board to be shown on demand. (Sec. 4405, 4423, R.S., as amended; 46 U.S.C. 375, 400)

Sections 63.18, 79.21b, 97.21, and 116.19b are amended to read as follows:

On all vessels of 100 gross tons and over, the contract for the construction of which is signed after January 1, 1941, there shall be provided at least one toilet, one washbasin, and one shower or bathtub, for each eight members, or portion thereof, in the crew to be accommodated. The crew to be accommodated shall include all members who do not occupy rooms to which private facilities are attached.

When the engine room crew, exclusive of licensed officers and others separately provided for, exceeds eight, their toilet and washroom equipment shall be separate from the other crew members. When the stewards department crew, exclusive of those separately provided for, exceeds eight, their toilet and washroom equipment shall be separate from the other crew members. Separate facilities shall also be provided for the female members of the crew.

All washbasins, showers, and bathtubs shall be equipped with proper plumbing, including hot and cold running water. Washbasins may be located in the crew sleeping quarters, if properly installed and equipped with proper plumbing. The washrooms and toilet rooms shall be equipped with proper drains.

The toilet rooms shall be separate from the washrooms and at least one washbasin shall be fitted in each toilet room. All toilets shall be installed with proper plumbing for flushing. Where more than one toilet is located in a space or compartment, each toilet shall be separated by partitions, which shall be open at the top and bottom for ventilation and cleaning purposes. Toilets shall be provided with seats of the open front type that automatically lift up when not in use. Urinals may be fitted in toilet rooms, if desired, but no reduction in the required number of toilets will be made therefor.

When the total number of the crew exceeds 100, consideration may be given to

special arrangements and to a reduction in number of facilities required.

On all vessels of 100 gross tons and over, the contracts for the construction of which were signed on or prior to January 1, 1941, the toilet and washing facilities shall be in keeping with the age, size and service of the vessel and consistent with the principles underlying the requirements for vessels the contracts for the construction of which were signed after January 1, 1941; when reasonable and practicable a minimum of one toilet, one washbasin, and one shower or bathtub for each ten members, or portion thereof, in the crew to be accommodated, shall be provided. On such vessels separate washing facilities are not required where the engine room crew, exclusive of licensed officers and others separately provided for, does not exceed ten. (Secs. 4405, 4417, R.S., as amended; 46 U.S.C. 375, 391)

Sections 59.61 (b) and 60.54 (b) are amended to read as follows:

Muzzle-loading guns. The muzzle-loading type of gun shall be of steel or of bronze not less than 20 inches long, 2½ inches smooth bore, and weigh with its carriage not more than 200 pounds. It shall have a primer hole fitted in the upper wall. On guns manufactured after December 31, 1940, the primer hole shall be drilled into the gun barrel and protected against burring by a taper countersink extending into the barrel to a depth of one-eighth of an inch. The outside diameter of the countersink shall be five-eighths of an inch plus or minus one-sixteenth of an inch. The use of core supporting pins extending into the wall of the gun is not permitted. The gun shall be mounted in a carriage on trunnions or other suitable mechanism so as to permit of elevation up to 35 degrees. The carriage may be of wood, reinforced with metal or recesses properly spaced to receive the gun trunnions or other supporting mechanisms. These recesses or seats shall be fitted with detachable trunnion cap squares or a similar device to permit easy mounting and dismounting of the gun. The carriage shall be so constructed that the gun may be secured in elevation. Rings, eyebolts, or other efficient device shall be fitted to the carriage for securing it in position for firing. (Secs. 4405, 4488, 4491, R.S., as amended; 46 U.S.C. 375, 481, 489)

Sections 59.61 (f) (1) and 60.54 (f) (1) are amended to read as follows:

Factory tests. (1) Tests and approval. A mounted line-carrying gun shall be tested in the presence of the supervising inspector of the district by firing three rounds from the gun. At least one round shall carry the regular service projectile with one of the service lines attached for a distance of at least 1,050 feet without breaking or fouling the line, under conditions of a reasonably still atmosphere. The other rounds shall be fired with not less than the same weight powder charge

used in the above test, and one shall be fired with not less than an 8-ounce charge. The projectiles used for these shots shall be of the same weight as the service projectile, but no line need be attached. Test shots shall be fired from the gun when mounted on its own carriage, lashed as in shipboard use. After the test has been satisfactorily completed, the gun and carriage shall show no signs of fracture or damage. (Secs. 4405, 4488, 4491, R.S., as amended; 46 U.S.C. 375, 481, 489)

MISCELLANEOUS ITEMS OF EQUIPMENT APPROVED

The following miscellaneous items of equipment for the better security of life at sea are approved:

Safety Valves

4623. Safety valves (type CS-100), 1½", 2", 2½", 3", 3½", 4", 4½" sizes, manufactured by the Ashton Valve Co., Cambridge, Massachusetts.

Lifeboat Launching Device

4516. Lifeboat launching device, davit type B-1 and winch type J-1, manufactured by Imperial Lifeboat Equipment Corporation, New York, New York (subject to special 60-day sea service operation test on type set).

Water Light (Electric)

4441. Safe-T-Glo electric water light, Type M, No. G-451-1, manufactured by G. C. Galbraith & Son, Inc., New York, New York.

Life Preserver Fabric (Fire Resistant)

3896. Unbleached or chrome yellow Fire Chief Life Preserver Fabric, manufactured by Wm. E. Hooper & Sons Co., Baltimore, Maryland.

(Secs. 4405, 4418, 4433, 4488, 4491, R.S.; as amended; 46 U.S.C. 375, 392, 411, 481, 489)

Executive Committee, Board of Supervising Inspectors:

R. S. FIELD,
Director.

GEORGE FRIED,
Supervising Inspector, 2nd District.

R. E. COOMBS,
Supervising Inspector, 5th District.

Approved:

[SEAL] WAYNE C. TAYLOR,
Acting Secretary of Commerce.

[F. R. Doc. 40-5969; Filed, December 30, 1940;
3:52 p. m.]

[Order No. 73]

PART 140—ABLE SEAMEN

JANUARY 3, 1941.

Subchapter K—Seamen is amended by the addition of a new part entitled—140 Able Seamen to read as follows:

§ 140.1 What vessels affected. The provisions of section 13 of the Seamen's

Act of 1915, as amended (46 U.S.C. Supp. 672), relating to able seamen apply to all merchant vessels of the United States of one hundred gross tons and upward except those navigating rivers exclusively and the smaller inland lakes and except as provided in section 4516 R.S., as amended (46 U.S.C. 569). No amendment to the section made by the Act of June 25, 1936 (49 Stat. 1930), is applicable to fishing or whaling vessels or yachts, but the provisions of the section as they existed prior to June 25, 1936, are continued in effect insofar as they apply to fishing or whaling vessels or yachts.*

* §§ 140.1 to 140.4, inclusive, issued under the authority contained in section 7 of the Act of June 25, 1936, 49 Stat. 1936; 46 U.S.C. Supp. 689.

§ 140.2 Deck crew definition. The term "deck crew, exclusive of licensed officers and apprentices" as used in section 13 of the Seamen's Act of 1915, as amended (46 U.S.C. Supp. 672) is construed as including only the following members of the deck department below the grade of licensed officer and above the grade of apprentice: viz, quartermasters, able seamen, and ordinary seamen.*

§ 140.3 Local inspectors to note requirement for able seamen in fixing complement of licensed officers and crew. Local Inspectors will note that the requirement for able seamen extends to all vessels to which the provisions of section 13 of the Seamen's Act of 1915, as amended (46 U.S.C. Supp. 672), apply and will be governed accordingly in fixing the complement of licensed officers and crew as authorized by section 4463 R.S., as amended.*

§ 140.4 Computation of number of able seamen required. On vessels to which the provisions of section 13 of the Seamen's Act of 1915, as amended (46 U.S.C. Supp. 672), apply, at least 65 per centum of the deck crew, exclusive of licensed officers and apprentices, shall be of a rating not less than able seamen. In the event that the number of persons in the deck crew, as defined in § 140.2, is in excess of the number of persons required therein by the certificate of inspection, at least sixty-five per centum of the whole deck crew on the vessel, exclusive of licensed officers and apprentices, shall be of a rating of not less than able seamen.*

[SEAL]

JESSE H. JONES,
Secretary of Commerce.

[F. R. Doc. 41-68; Filed, January 3, 1941;
10:59 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

CHAPTER I—INTERSTATE COM- MERCE COMMISSION

PART 10—STEAM ROADS: UNIFORM SYSTEM OF ACCOUNTS

An order of the Interstate Commerce Commission prescribing amendments to

the Uniform System of Accounts for Steam Railroads, effective January 1, 1941, was filed with the Division of the Federal Register, January 2, 1941, at 11:38 a. m. (F.R. Doc. No. 41-41). Requests for copies may be addressed to the Interstate Commerce Commission.

PART 10—STEAM ROADS: UNIFORM SYSTEM OF ACCOUNTS

An order of the Interstate Commerce Commission prescribing amendments to the Uniform System of Accounts for Steam Railroads, effective January 1, 1941, was filed with the Division of the Federal Register, January 2, 1941, at 11:38 a. m. (F.R. Doc. No. 41-42). Requests for copies may be addressed to the Interstate Commerce Commission.

[Tariff Circular No. 21]

RULES FOR CONSTRUCTION, FILING, AND POSTING OF FREIGHT SCHEDULES OF CONTRACT CARRIERS BY WATER

NOTICE TO CONTRACT CARRIERS OF PROPERTY BY WATER SUBJECT TO PART III OF THE INTERSTATE COMMERCE ACT

DECEMBER 30, 1940.

Attached hereto are the following:

(1) Tariff Circular No. 21, containing Regulations to Govern the Construction, Filing, and Posting of Freight Schedules of Minimum Rates or Charges of Contract Carriers by Water, as adopted by Division 2 of the Interstate Commerce Commission on December 28, 1940.

(2) An order (Page II of the circular) adopted by Division 2 on December 28, 1940, making Tariff Circular No. 21 effective March 1, 1941, as to all freight schedules of contract carriers by water other than schedules containing only rates or charges on intercoastal traffic now subject to the Intercoastal Shipping Act, 1933, as amended.

As noted, Tariff Circular No. 21 is at this time not made applicable to the contract carriers, comparatively few in number, that operate in the intercoastal trade. Schedules of such carriers are now subject to Circular No. 2 of the United States Maritime Commission. It is the intention to make only such changes in that Circular as are absolutely necessary to effect the transfer of existing tariffs and schedules to this Commission and to provide for the filing of subsequent supplements, reissues and new tariffs. Instructions in this respect will be mailed later to intercoastal contract carriers.

Tariff Circular No. 21 contains rules only slightly changed from tentative rules mailed out to all contract carriers by water on December 7. All changes made are minor corrections or clarifications, or to meet suggestions submitted by water carriers. The circular contains only seven rules, all of which have been made as simple as possible. The following rules

have no reference to initial schedules filed to become effective on the effective date of section 306 (e): Rules 1 (b), 2, 3 (b), 3 (c), 3 (g) and 7. They may be disregarded in filing initial schedules. After the new rules have been in effect for a reasonable period, consideration will be given to changes in or amplification of such rules to meet practical difficulties that may arise.

Particular attention is called to Rule 1 (c) which provides that initial schedules

may be filed and posted upon not less than one day's notice, i. e., at least one day prior to the effective date of section 306 (e).

By order dated December 13, sent out to all carriers by water with a notice dated December 14, the effective date of section 306 (e) was postponed to March 1, 1941. That notice inadvertently stated that the effect of that order was "to defer the filing of schedules of contract carriers until March 1, 1941." This should have read "until February 28, 1941", in compliance with Rule 1 (c).

Tariff Circular No. 21 and the order to which reference is made in paragraph (2) above, are being mailed to all known for-hire carriers by water, although they apply only to contract carriers as provided in section 306 (e). This has been done because carriers have the right in the first instance to decide for themselves in the light of their actual operations and the provisions of law whether they are common or contract carriers as defined in that Act.

[SEAL]

W. P. BARTEL,
Secretary.

REGULATIONS TO GOVERN THE CONSTRUCTION, FILING, AND POSTING OF FREIGHT SCHEDULES OF MINIMUM RATES OR CHARGES OF CONTRACT CARRIERS BY WATER

ORDER IN THE MATTER OF REGULATIONS GOVERNING THE FORM, PUBLICATION, FILING, AND POSTING OF SCHEDULES OF CONTRACT CARRIERS OF PROPERTY BY WATER

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D. C., on the 28th day of December, A. D. 1940.

The matter of regulations governing the form, publication, filing, and posting of schedules by contract carriers of property by water pursuant to section 306 (e) of the Interstate Commerce Act, being under consideration and good cause appearing therefor:

It is ordered, That schedules of rates and charges of contract carriers of property by water, except schedules containing only rates and charges on intercoastal traffic now required to be filed with the United States Maritime Commission pursuant to the Intercoastal Shipping Act, 1933, as amended, shall be published, filed, posted and kept open for public inspection in the form and manner pre-

scribed in Tariff Circular No. 21, said circular being hereby approved and made effective March 1, 1941.

By the Commission, division 2.

[SEAL] W. P. BARTEL,
Secretary.

REGULATIONS ISSUED BY THE INTERSTATE COMMERCE COMMISSION UNDER AUTHORITY OF THE INTERSTATE COMMERCE ACT TO GOVERN THE CONSTRUCTION, FILING, AND POSTING OF FREIGHT SCHEDULES OF CONTRACT CARRIERS BY WATER AS DEFINED IN SAID ACT

All schedules filed must conform to these regulations, except as otherwise authorized by the Commission. They shall state and arrange the rates, charges, rules, and regulations clearly and explicitly in such manner that there will be no doubt of their proper application. Common carrier rates and charges must not be included in schedules of contract carriers.

The term "schedule" as used herein means a publication of a contract carrier stating minimum rates and charges, and the rules or regulations which apply in connection therewith.

The terms "minimum rates" and "minimum charges" as used herein mean minimum rates or charges "actually maintained and charged" by a contract carrier by water for the transportation of property in interstate or foreign commerce.

The term "towing" means the service of towing, pushing, or otherwise propelling another vessel (loaded or empty) the property of another person, but does not include towing under a charter arrangement as defined in the next succeeding paragraph, or towing performed for another carrier, common or contract, subject to the Interstate Commerce Act when the transportation being performed is subject to that Act.

The term "charter arrangements" means the furnishing for compensation, under a charter, lease, or other agreement, of a vessel, to a person other than a carrier subject to the Act, to be used by such person in the transportation of his or its own property.

Rule 1. Construction and Filing

(a) All schedules and supplements thereto shall be in book or pamphlet form, of size 8 inches wide by 11 inches long, and shall be plainly printed on paper of durable quality, from type of size not smaller than 8-point (full face), except that 6-point (full face) type may be used for explanation of reference marks. The term "printed" includes reproduction by stereotype, mimeograph, planograph, or other similar durable process. All copies posted and filed must be clear and legible in all respects.

No erasure or other alteration shall be made in any schedule or supplement thereto.

A margin of not less than five-eighths of an inch without any printing thereon

shall be allowed at the binding edge of each schedule or supplement. No advertising matter shall be included in any schedule or supplement thereto.

All schedules of each carrier shall be numbered consecutively beginning with I.C.C. No. 1. If any carrier files both contract carrier schedules and common carrier tariffs, only one series of numbers should be used.

Schedules shall have each page thereof numbered.

When portions of a schedule or of a supplement thereto are designated as items, they must be given numbers.

(b) All schedules and supplements (except as provided in Rule 1 (c)) must be filed and posted at least 30 days prior to the effective date thereof, unless otherwise authorized by the Commission.

(c) Schedules published to become effective on the date on which section 306 (e) of the Interstate Commerce Act becomes effective, but not thereafter, may be filed and posted upon not less than one day's notice, that is, at least one day prior to the effective date thereof. All subsequent publications must comply with Rule 1 (b).

(d) Issuing carriers shall file with the Commission two copies of each schedule or supplement. Both copies shall be included in one package accompanied by a letter of transmittal (in duplicate if a receipt is desired) listing all publications enclosed, and shall be addressed to the "Interstate Commerce Commission, Section of Tariffs, Washington, D. C." All postage or other charges must be prepaid.

Rule 2. Indication of Changes

All schedules and supplements shall indicate the changes from preceding issues by use of the following symbols:

- ↓ or (R) to denote reductions.
- ◆ or (A) to denote increases.
- ▲ or (C) to denote changes, the result of which is neither an increase nor a reduction.

Rule 3. Title Pages

The title page of each schedule and supplement shall show in the order named:

(a) In the upper right-hand corner, the I.C.C. number of the schedule.

(b) When a schedule is issued canceling a schedule or schedules previously filed, the I.C.C. number or numbers of the schedule or schedules canceled in the upper right-hand corner immediately under the I.C.C. number of the new schedule. Example:

I.C.C. No. 2
cancels
I.C.C. No. 1

(c) Supplements, in addition to showing the I.C.C. number of the schedule amended thereby, shall be numbered consecutively beginning with No. 1 and such information shall be shown in the upper right-hand corner. Supplements shall also show in the upper right-hand

corner the number of any previous supplement canceled thereby and also the numbers of the effective supplements containing all changes from the schedule. Example:

Supplement No. 3
to
I.C.C. No. 1
cancels Supplement No. 2
Supplements Nos. 1 and 3 contain all changes

(d) The name of the carrier issuing the schedule in the upper central portion of the title-page. The name of the carrier shall be the same as that used in its application for a permit or in the permit when issued. If the carrier is not a corporation and a trade name is used, the name of the individual or partners shall precede the trade name. Example:

John Doe and William Doe
doing business as
A. B. C. Transportation Co.

(e) A brief description of the territories in which, or points from and to which, the minimum rates or charges in the schedule apply.

(f) On the lower left side of the title-page, the date of issue; on the right side, opposite the date of issue, the effective date. If the publication contains rates, rules, or regulations effective upon a date different from the general effective date of the publication, notation must be made in connection with the effective date reading, "(Except as otherwise provided herein)" or "(Except as provided in Item —)" or "(Except as provided on page —)."

(g) On every schedule or supplement in which all the rates, charges, rules, or regulations are made effective on less than 30 days' notice under authority of the Commission, there shall be shown a notation that it is issued on ---- days' notice under authority of ----- (here show the authority).

(h) The name, title, and post office address of the individual or officer issuing the publication.

Rule 4. Contents

(Paragraphs (a), (b), and (f) of this rule need not be observed in schedules containing only charges for towage or charter arrangements, and paragraph (c) need not be observed in schedules containing only charges for charter arrangements.)

Schedules shall contain in the order named:

(a) A table of contents arranged in alphabetical order showing the number of the item or page in or on which each subject may be found. If a schedule contains so small a volume of matter that its title-page or interior arrangement plainly discloses its contents, the table of contents may be omitted.

(b) A complete index, alphabetically arranged, of all commodities on which rates or charges are shown in the schedule, together with reference to the numbers of the items or pages in or on which

they are shown. No index will be required in schedules of less than five pages or if the commodities are arranged in alphabetical order in the tables of rates or charges.

(c) A complete alphabetical index of all points from and to which rates or charges apply, together with the names of the States in which located and a reference to the numbers of the items or pages in or on which the rates or charges from and to such points appear. If the points are arranged in alphabetical order in the rate items or tables, no index will be required.

(d) Explanation of all abbreviations, symbols, and reference marks used in the schedule.

(e) Rules and regulations which govern the rates or charges in the schedule, including all provisions that affect the charge for, or the value of, the service, such as separate charges for demurrage, loading or unloading, or similar services, or whether and to what extent the rates and charges in the schedule include separate services such as loading, unloading, etc.

(f) An explicit statement of minimum rates and charges actually maintained and charged, stated (except as provided next below) in cents, or in dollars and cents per 100 pounds, per ton of 2,000 pounds, per ton of 2,240 pounds, or other unit of weight. Where it is found impracticable to state rates or charges per unit of weight, units of measurement such as per cubic foot, or charges per barrel or other package, or per bargeload, may be used. Where rates are stated in amounts per package or per bargeload, definite specifications of the package or barge must be shown.

(g) (Applies only to towage and charter arrangements) A clear statement of the minimum rates and charges actually maintained and charged, stated in cents, or in dollars and cents.

Rule 5. Changes in Schedules

(a) Unless otherwise authorized by the Commission, rates and charges which have been filed with the Commission must be permitted to become effective and remain in effect for a period of at least 30 days before being changed or canceled.

(b) A change in or addition to a schedule shall be published in a supplement to the schedule or in a reissue thereof. The matter in each supplement shall be arranged in the same general manner and order as in the schedule which it amends.

(c) A change published in a supplement shall cancel specifically the corresponding item or other matter of the schedule or prior supplement which is thereby changed. An item or other unit in its amended form must be published in its entirety.

(d) Any change in or cancellation of an item by supplement must be under the same item number with letter suffix; for example: Item 40-A cancels Item 40; Item 40-B cancels Item 40-A; and so on.

(e) Matter brought forward without change from one supplement to another, must be designated "Reissued" and show the original effective date and the number of the supplement from which it is reissued. For example: "Reissued from Supplement No. —, effective —, 19—."

(f) Each schedule or supplement which consists partly but not wholly of matter established upon less than statutory notice shall show in connection with each change made effective on less than statutory notice a notation that such matter is issued on — days' notice under authority of — (here give specific reference to the special permission, decision, order, or other authority).

Rule 6. Posting Regulations

Each carrier shall post in a public and conspicuous place at its principal place of business and at each other office at which an agent authorized to enter into contractual arrangements is located all of its schedules, including supplements thereto. Each said schedule and supplement shall be forwarded to the carrier's agent at the same time that it is forwarded to the Commission. Upon its receipt by the agent, there shall be written or stamped upon its title page the date upon which it is received. All schedules and supplements so posted shall be kept in an orderly manner and be open to public inspection and examination at all reasonable times.

Rule 7. Applications for Special Permission

(a) *Applications for short notice.* Applications for permission to publish rates, charges, rules, or regulations upon less than the 30 days' notice required by the Interstate Commerce Act shall be in form substantially as follows:

APPLICATION FOR SPECIAL PERMISSION

(Name of carrier)

(Address)

(Date)

Application No. —

INTERSTATE COMMERCE COMMISSION,
Washington, D. C.

The (insert name of carrier) hereby petitions the Interstate Commerce Commission for permission under the Interstate Commerce Act to put in force the following minimum rates or charges (or rules or regulations), to become effective — days after the filing thereof with the Interstate Commerce Commission

(Here state fully, either specifically or by reference to an accompanying exhibit, the rates, charges, rules, or regulations which it is desired to put into effect, the articles upon which they are to apply, and the points of origin and destination. If permission is sought to establish a rule or regulation the exact wording of the proposed rule or regulation must be shown)

Your petitioner further represents that the said (rates, charges, etc., as the case may be) above specified will be published in schedule I.C.C. No. — (or in a consecutively numbered supplement to I.C.C. No. —) and will supersede and take the place of the (rates, charges, etc., as the case may be) on like traffic from and to the points above named

as set forth in schedule I.C.C. No. — (or supplement) on file with the Commission.

(Here state, either specifically or by reference to an accompanying exhibit, the present rate, rule, etc., together with the I.C.C. number of the schedule in which published)

(Here state the names of competing carriers that publish rates, rules, etc., on the commodity or commodities covered by the application between the same points and the date under which they have been notified of the changes proposed by the application. If competing carriers have expressed their views in regard to the proposal, a brief statement of views shall be given)

Your petitioner bases such request upon the following facts, which present certain special circumstances and conditions justifying the request herein made:

(Here state fully all circumstances and conditions which are relied upon as justifying the application and which may aid the Commission in determining the question presented. If short notice is requested, state why the change was not established upon statutory notice.)

(Name of carrier)

Subscribed and sworn to before me this — day of —, 19—

(Only the original need be executed)

Notary Public.

(b) *Applications for short notice and waiver of rules.* Where permission is sought to publish upon less than 30 days' notice and also to depart from one or more of the Commission's rules as to publishing or posting schedules, the form set forth in (a) above shall be used, adding thereto the numbers of the rules, and the reasons waiver is sought.

(c) *Applications for waiver of rules.* Applications for waiver of rules not involving publication on less than 30 days' notice need not be made on any specified form but shall contain a list of the rules waiver of which is sought and the reasons therefor.

(d) Three copies of applications, including amendments thereto and exhibits made a part thereof, shall be addressed to "Secretary, Interstate Commerce Commission, Washington, D. C." Such applications shall be made on paper 8 x 10½ inches, shall be numbered consecutively, beginning with No. 1, and shall give all the information required, together with any other pertinent facts.

(e) Applications must be filed in the correct legal name of the carrier whether an individual, a partnership or a corporation, and must be signed by a duly authorized representative.

[F. R. Doc. 41-43; Filed, January 2, 1941; 11:39 a. m.]

[Tariff Circular No. 22]

RULES FOR CONSTRUCTION, FILING, AND POSTING OF FREIGHT TARIFFS OF COMMON CARRIERS BY WATER

NOTICE TO COMMON CARRIERS OF PROPERTY BY WATER SUBJECT TO PART III OF THE INTERSTATE COMMERCE ACT

DECEMBER 30, 1940.

Attached hereto are the following:

(1) Tariff Circular No. 22, containing Regulations to Govern the Construction,

Filing, and Posting of Freight Tariffs and Classifications of Common Carriers by Water subject to Part III of the Interstate Commerce Act, as adopted by Division 2 of the Interstate Commerce Commission on December 28, 1940.

(2) An order (Page II of the circular) adopted by Division 2 on December 28, 1940, making Tariff Circular No. 22 effective February 1, 1941, as to all tariffs of common carriers by water applicable on traffic which prior to January 1, 1941, was not subject to the jurisdiction of either the United States Maritime Commission or the Interstate Commerce Commission, subject to a proviso that if desired such tariffs may be filed in accordance with provisions of Tariff Circular No. 20, in which event Circular No. 22 will not apply.

As noted Tariff Circular No. 22 is at this time not made applicable to intercoastal or coastwise traffic now subject to the jurisdiction of the United States Maritime Commission. Tariffs applicable to such traffic are now subject to Circulars Nos. 1 and 2 of the Maritime Commission. It is the intention to make only such changes in those circulars as are necessary to effect the transfer of existing tariffs to this Commission and to provide for the filing of successive supplements, reissues and new tariffs. Instructions in this respect will be mailed later to intercoastal and coastwise common carriers. Joint rail-water tariffs will for the present continue subject to the provisions of Tariff Circular No. 20, and joint motor-water tariffs to the provisions of Tariff Circular MF No. 2 to and including March 31, 1941, and thereafter to Tariff Circular MF No. 3.

Tariff Circular No. 22 contains rules only slightly changed from tentative rules mailed out to all common carriers by water on December 10. All changes are minor corrections or clarifications, or to meet suggestions submitted by water carriers. The circular contains only 10 rules, all of which have been made as simple as possible. The following rules have no reference to initial tariffs filed to become effective on the effective date of section 306 (a) of the Interstate Commerce Act: Rules 1 (b), 2, 3 (b), 3 (c), 3 (i), 5 (f), 5 (g), 7, and 8 (c). They may be disregarded in filing initial tariffs. After the new rules have been in effect for a reasonable period, consideration will be given to the general question of rules to apply on all-water traffic, including traffic subject to this circular and that subject to Circulars Nos. 1 and 2 of the Maritime Commission.

Particular attention is called to Rule 1 (c) which provides that initial tariffs

may be filed and posted upon not less than one day's notice, that is, at least one day prior to the effective date of section 306 (a).

By order dated December 13, sent out to all carriers by water with a notice dated December 14, the effective date of section 306 (a) was postponed to February 1, 1941. That notice inadvertently stated

that the effect of that order was "to defer the filing of tariffs of common carriers until February 1, 1941." This should have read "until January 31, 1941" in compliance with Rule 1 (c).

In the event a carrier is now using a printed tariff which is in general accord with these rules and desires to file it as an initial filing, consideration will be given to an application for special permission, filed in the form and manner set forth in Rule 7, requesting waiver of the rules to permit the filing of the tariff and effective supplements with a new cover page as an initial filing. Such application should state that the new cover page will comply with Rule 3 and bear a statement that the tariff (properly identified) and the effective supplements (identified by number), if any, become I.C.C. No. — on the effective date of section 306 (a).

Tariff Circular No. 22 and the order to which reference is made in paragraph (2) above, are being mailed to all known for-hire carriers by water, although they apply only to common carriers of property subject to section 306 (a) and only to traffic not now subject to the jurisdiction of the United States Maritime Commission, or of this Commission. This has been done because carriers have the right in the first instance to decide for themselves in the light of their actual operations and provisions of law whether they are common or contract carriers as defined in the Interstate Commerce Act.

[SEAL]

W. P. BARTEL,
Secretary.

REGULATIONS TO GOVERN THE CONSTRUCTION, FILING, AND POSTING OF FREIGHT TARIFFS AND CLASSIFICATIONS OF COMMON CARRIERS BY WATER AS INDICATED HEREIN

ORDER IN THE MATTER OF REGULATIONS GOVERNING THE FORM, PUBLICATION, FILING, AND POSTING OF TARIFFS OF COMMON CARRIERS OF PROPERTY BY WATER

At a Session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D. C., on the 28th day of December, A. D. 1940.

The matter of regulations, pursuant to Section 306 (b) of the Interstate Commerce Act, governing the form, publication, filing, and posting of tariffs of common carriers of property by water being under consideration, and good cause appearing therefor:

It is ordered, That tariffs, including classifications, of common carriers of property by water applicable only on traffic which prior to January 1, 1941, was not subject to the jurisdiction of the United States Maritime Commission or the Interstate Commerce Commission, shall be published, filed, posted and kept open for public inspection in the form and manner prescribed in Tariff Circular No. 22, said circular being hereby approved and made effective February 1, 1941: *Pro-*

vided, That where carriers elect to file tariffs conforming to the regulations of Tariff Circular No. 20, the provisions of Circular No. 22 will not apply.

By the Commission, division 2.

[SEAL]

W. P. BARTEL,
Secretary.

REGULATIONS ISSUED BY THE INTERSTATE COMMERCE COMMISSION UNDER AUTHORITY OF THE INTERSTATE COMMERCE ACT TO GOVERN THE CONSTRUCTION, FILING, AND POSTING OF FREIGHT TARIFFS AND CLASSIFICATIONS OF COMMON CARRIERS BY WATER ON TRAFFIC WHICH PRIOR TO JANUARY 1, 1941, WAS NOT SUBJECT TO THE JURISDICTION OF EITHER THE UNITED STATES MARITIME COMMISSION OR THE INTERSTATE COMMERCE COMMISSION

The term "tariff" as used herein means a publication stating the rates, charges, and classification of a common carrier, and the rules and regulations which apply in connection therewith.

The term "towing" means the service of towing, pushing or otherwise propelling another vessel (loaded or empty) the property of another, but does not include towing performed for another carrier, common or contract, subject to the Interstate Commerce Act, when the transportation being performed is subject to that act.

All tariffs applicable on traffic subject to these regulations must conform to all of their provisions, except as otherwise authorized by the Commission. They shall state and arrange the rates, charges, rules, and regulations clearly and explicitly in such manner that there will be no doubt of their proper application. Carriers or their agents may not publish rates or provisions which duplicate or conflict with rates or provisions published by or for account of such carriers. Tariffs governed by these regulations must not contain:

Joint water-rail rates;
Joint water-motor rates;
Joint water-rail-motor rates;
Passenger fares;
Contract carrier rates or charges.

Rule 1. Construction and Filing

(a) All tariffs and supplements thereto shall be in book or pamphlet form, of size 8 inches wide by 11 inches long, and shall be plainly printed on paper of durable quality, from type of size not smaller than 8-point (full face), except that 6-point (full-face) type may be used for explanation of reference marks. The term "printed" includes reproduction by stereotype, mimeograph, planograph, or other similar durable process. All copies posted and filed must be clear and legible in all respects.

No erasure or other alteration shall be made in any tariff or supplement thereto.

A margin of not less than five-eighths of an inch without any printing thereon shall be allowed at the binding edge of

each tariff or supplement. No advertising matter shall be included in any tariff or supplement thereto.

All tariffs of each carrier or agent shall be numbered consecutively. Carriers or agents not now filing with this Commission should commence with I.C.C. No. 1, and others should continue their present series of numbers. If a carrier files both contract carrier schedules and common carrier tariffs, only one series of numbers should be used.

Tariffs shall have each page thereof numbered.

When portions of a tariff or of a supplement thereto are designated as Items, they must be given numbers.

(b) All tariffs and supplements (except as provided in Rule 1 (c)) must be filed and posted at least 30 days prior to the effective date thereof, unless otherwise authorized by the Commission.

(c) Tariffs published to become effective on the date on which section 306 (a) of the Interstate Commerce Act becomes effective, but not thereafter, may be filed and posted upon not less than one day's notice, that is, at least one day prior to the effective date thereof. All subsequent publications must comply with Rule 1 (b).

(d) Issuing carriers or their agents shall file with the Commission two copies of each tariff or supplement. Both copies shall be included in one package accompanied by a letter of transmittal (See Rule 9) listing all publications enclosed, and shall be addressed to the "Interstate Commerce Commission, Section of Tariffs, Washington, D. C." All postage or other charges must be prepaid.

Rule 2. Indication of Changes

All tariffs and supplements shall indicate the changes from preceding issues by use of the following symbols:

↓ or (R) to denote reductions.
◆ or (A) to denote increases.
▲ or (C) to denote changes, the result of which is neither an increase nor a reduction.

Rule 3. Title Pages

(Paragraph (g) of this rule need not be observed in tariffs containing only charges for towage.)

The title-page of each tariff and supplement shall show in the order named:

(a) In the upper right-hand corner, the I.C.C. number of the tariff.

(b) When a tariff is issued canceling a tariff or tariffs previously filed, the I.C.C. number or numbers of the tariff or tariffs canceled in the upper right-hand corner immediately under the I.C.C. number of the new tariff. Example:

I.C.C. No. 2
cancels
I.C.C. No. 1

(c) Supplements, in addition to showing the I.C.C. number of the tariff amended thereby, shall be numbered consecutively beginning with No. 1 and

such information shall be shown in the upper right-hand corner. Supplements shall also show in the upper right-hand corner the number of any previous supplement canceled thereby and also the numbers of the effective supplements containing all changes from the tariff. Example:

Supplement No. 3
to
I.C.C. No. 1
cancels Supplement No. 2

Supplements Nos. 1 and 3 contain all changes

(d) The name of the carrier or agent issuing the tariff in the upper central portion of the title-page. The name of the carrier shall be the same as that used in its application for a certificate or in the certificate when issued. If the carrier is not a corporation and a trade name is used, the name of the individual or partners shall precede the trade name. Example:

John Doe and William Doe
doing business as
A. B. C. Transportation Co.

(e) The character of the tariff; for example, whether local or joint or both; whether class, commodity, or a combination of both.

(f) A brief description of the territories in which, or points from and to which, or between which the rates or charges in the tariff apply.

(g) A reference by name and I.C.C. number to any governing classification, exceptions thereto, or other governing publication which is separately published, posted, and filed (See Rule 4 (f) and 4 (g)). Example:

Governed, except as otherwise provided herein, by the ratings, rules, regulations, packing specifications, and minimum weights of ----- Classification -----, I.C.C. No. -----, supplements thereto and reissues thereof.

In tariffs containing no class rates the word "ratings" should be omitted.

(h) On the lower left side of the title-page, the date of issue; on the right side, opposite the date of issue, the effective date. If the publication contains rates, rules, or regulations effective upon a date different from the general effective date of the publication, notation must be made in connection with the effective date reading, "(Except as otherwise provided herein)" or "(Except as provided in Item -----)" or "(Except as provided on page -----)".

(i) On every tariff or supplement in which all the rates, charges, rules, or regulations are made effective on less than 30 days' notice under authority of the Commission, notation that it is issued on ----- days' notice under authority of ----- (here show the authority).

(j) The name, title, and post office address of the individual, officer, or agent issuing the publication.

Rule 4. Contents

(Paragraphs (a), (b), (c), (f) and (h) of this rule need not be observed in tariffs containing only charges for towage.)

Tariffs shall contain in the order named:

(a) A table of contents, arranged in alphabetical order, showing the number of the item or page in or on which each subject may be found. If a tariff contains so small a volume of matter that its title-page or interior arrangement plainly discloses its contents, the table of contents may be omitted.

(b) A list of carriers participating in the tariff with reference to the form and number of the power of attorney or concurrence under which publication is made. If desired, this information may be shown on the upper central portion of the title-page of the tariff in connection with the name of the issuing carrier or agent.

(c) A complete index, alphabetically arranged, of all commodities specifically named on which rates, charges, ratings, rules, or regulations are published therein, together with reference to the numbers of the items or pages in or on which they are shown. No index will be required in tariffs of less than five pages or if the commodities are arranged in alphabetical order in the tables of rates and charges.

(d) A complete alphabetical index of all points from and to which rates or charges apply, together with the names of the States in which located and a reference to numbers of the items or pages in or on which the rates or charges from and to such points appear. If the points are arranged in alphabetical order in the rate items or tables, no index will be required.

(e) Explanation of all abbreviations, symbols, and reference marks used in the tariff.

(f) When a tariff names rates by classes, a classification of articles must be published in the tariff or in a separate tariff.

If the rate tariff is governed by a separately published classification, any exceptions to the ratings, rules or other provisions of the classification must be published in the rate tariff or in a separate tariff.

When a separate tariff is used for a Classification or an Exceptions to a Classification, reference must be made thereto on the title-page of the rate tariff in the manner indicated in Rule 3 (g).

(g) The rules and regulations which govern the rates or charges in the tariff. The title or subject of each rule or regulation shall be shown in distinctive type. Under this heading shall be shown all provisions which affect the charges for, or the value of, the service, such as separate charges for demurrage, loading or unloading, or similar services, or whether and to what extent the rates and charges in the tariff include separate services such as loading, unloading, etc., and any other rules necessary to state plainly the arrangements sought to be established; except that special rules applying

to particular rates or charges shall be shown in connection therewith, and on the same page.

If desired, general rules and regulations may be published in a separate tariff, but reference must be made thereto on the title-page or in an appropriate item of the rate tariff, in the manner indicated in Rule 3 (g).

(h) The rates and charges explicitly stated (except as provided in paragraph (i) below) in cents, or in dollars and cents, per 100 pounds, per ton of 2,000 pounds, per ton of 2,240 pounds, or other unit of weight, or per barrel or other package, together with the names of the places from and to which they apply, arranged in a simple and systematic manner. Where rates or charges are stated in amounts per package, definite specifications of the package must be shown.

(i) (Applies only to towage.) A clear statement of the rates and charges stated in cents, or in dollars and cents.

(j) Routing over which the rates apply, stated in such manner that such routes may be definitely ascertained.

Rule 5. Changes in Tariffs

(a) Unless otherwise authorized by the Commission, rates, charges, ratings, rules, and regulations which have been filed with the Commission must be permitted to become effective and remain in effect for a period of at least 30 days before being changed or canceled.

(b) A change in or addition to a tariff shall be published in a supplement to the tariff or in a reissue thereof. The matter in each supplement shall be arranged in the same general manner and order as in the tariff which it amends.

(c) A change published in a supplement shall cancel specifically the corresponding item or other matter of the tariff or prior supplement which is thereby changed. An item or other unit in its amended form must be published in its entirety.

(d) Any change in or cancellation of an item by supplement must be under the same item number with letter suffix; for example: Item 40-A cancels Item 40; Item 40-B cancels Item 40-A; and so on.

(e) Matter brought forward without change from one supplement to another, must be designated "Reissued" and show the original effective date and the number of the supplement from which it is reissued. For example: "Reissued from Supplement No. -----, effective -----, 19--."

(f) Each tariff or supplement which consists partly but not wholly of matter established upon less than statutory notice shall show in connection with each change made effective on less than statutory notice a notation that such matter is issued on ----- days' notice under authority of ----- (here give specific reference to the special permission, decision, order, or other authority).

(g) A tariff containing the number of pages indicated under Column 1 may

have in effect at any time not more than the number of supplements and the volume of supplemental matter shown opposite thereto in Columns 2 and 3, respectively. (See Rule 10)

Column 1 Pages	Column 2 Supplements	Column 3 Volume (number of pages)
1 but not more than 2.....	0	0
3 but not more than 4.....	1	2
5 but not more than 12.....	1	4
13 but not more than 16.....	1	6
17 but not more than 31.....	2	33 1/4 per cent of
32 but not more than 80.....	3	the number of
81 but not more than 200.....	4	pages in the tariff.
Over 200.....	5	

Tariffs of 13 or more pages. When the number of pages in the supplement which brings the volume of matter up to that authorized in Column 3 is not evenly divisible by 4, that supplement may exceed the volume authorized to the extent of using additional pages within the next multiple of 4.

Example: A tariff of 87 pages is entitled to 4 effective supplements containing 29 pages of matter. If there are three effective supplements, two of which aggregate 20 pages and the other of which contains 4 pages, there are 5 more pages available. Since 5 is not evenly divisible by 4, the fourth effective supplement may contain 8 pages.

Tariffs of 32 or more pages. One of the permitted supplements shall not contain in excess of 4 pages.

Rule 6. Posting Regulations

Each carrier shall post in a public and conspicuous place at each loading port at which it maintains an office all tariffs, including supplements thereto, applying from or at such port, and shall also post at its principal place of business all its tariffs and supplements. Each said tariff and supplement shall be forwarded to the carrier's agent at the same time that it is forwarded to the Commission. Upon its receipt by the agent, there shall be written or stamped upon its title-page the date upon which it is received. All tariffs and supplements so posted shall be kept in an orderly manner and be open to public inspection and examination at all reasonable times.

Rule 7. Applications for Special Permission

(a) **Applications for short notice.** Applications for permission to publish rates, charges, ratings, rules, or regulations upon less than the 30-days' notice required by the Interstate Commerce Act shall be in form substantially as follows:

APPLICATION FOR SPECIAL PERMISSION

(Name of carrier)

(Address)

(Date)

Application No. -----

INTERSTATE COMMERCE COMMISSION.

Washington, D. C.

The (insert name of carrier) hereby petitions the Interstate Commerce Commission for permission under the Interstate Commerce Act to put in force the following rates, charges, ratings, rules, or regulations, to become effective ----- days after the filing thereof with the Interstate Commerce Commission

(Here state fully, either specifically or by reference to an accompanying exhibit, the rates, charges, ratings, rules, or regulations which it is desired to put into effect, the articles upon which they are to apply, and the points of origin and destination. If permission is sought to establish a rule or regulation the exact wording of the proposed rule or regulation must be shown.)

Your petitioner further represents that the said (rates, charges, etc., as the case may be) above specified will be published in tariff I.C.C. No. ----- (or in a consecutively numbered supplement to I.C.C. No. -----) and will supersede and take the place of the (rates, charges, etc., as the case may be) on like traffic from and to the points above named as set forth in tariff I.C.C. No. ----- (or supplement) on file with the Commission.

(Here state, either specifically or by reference to an accompanying exhibit, the present rate, rule, etc., together with the I.C.C. number of the tariff in which published.)

(Here state the names of competing carriers that publish rates, rules, etc., on the commodity or commodities covered by the application between the same points and the date under which they have been notified of the changes proposed by the application. If competing carriers have expressed their views in regard to the proposal, a brief statement of views shall be given.)

(Here state the basis on which the proposed rates are constructed.)

Your petitioner bases such request upon the following facts, which present certain special circumstances and conditions justifying the request herein made:

(Here state fully all circumstances and conditions which are relied upon as justifying the application and which may aid the Commission in determining the question presented. If short notice is requested, state why the change was not established upon statutory notice.)

(Name of carrier)

Subscribed and sworn to before me this
(Only the original need be executed)
----- day of -----, 19--

Notary Public.

(b) **Applications for short notice and waiver of rules.** Where permission is sought to publish upon less than 30 days' notice and also to depart from one or more of the Commission's rules as to publishing or posting tariffs, the form set forth in (a) above shall be used, adding thereto the numbers of the rules, and the reasons waiver is sought.

(c) **Applications for waiver of rules.** Applications for waiver of rules not involving publication on less than 30 days' notice need not be made on any specified form but shall contain a list of the rules waiver of which is sought and the reasons therefor.

(d) Three copies of applications, including amendments thereto and exhibits made a part thereof, shall be addressed to "Secretary, Interstate Commerce Commission, Washington, D. C." Such applications shall give all the information re-

quired, together with any other pertinent facts, shall be made on paper 8 x 10 1/2 inches, and shall be numbered consecutively. Carriers or agents not now filing with this Commission should commence with No. 1, and others should continue their present series of numbers.

(e) Applications must be filed in the correct legal name of the carrier whether an individual, a partnership or a corporation, and must be signed by a duly authorized representative.

When an application is filed by an agent, appropriate change should be made in the introductory paragraph to indicate that it is filed for and on behalf of all carriers participating in the tariff or tariffs covered by the application and shall be signed by said agent.

(f) A desire to meet the rates of a competing carrier which has given statutory notice of change will not of itself be regarded as good cause for permitting changes to be published on less than statutory notice.

Rule 8. Powers of Attorney and Concurrences

(a) A carrier may give authority to an agent to issue and file tariffs and supplements thereto in its stead, by executing a power of attorney in the following form, size 8 x 10 1/2 inches:

POWER OF ATTORNEY

FX 10 No. -----
Cancels FX 10 No. -----

(Name of carrier). (See Notes 1 and 3,
Rule 8 (g).) (Post office address)

-----, 19--

Know all men by these presents:

That ----- has
(Name of carrier.) (See Notes 1
and 3, Rule 8 (g).)

(have) made, constituted and appointed, and
by these presents does (do) make, constitute
and appoint ----- its

(Name of principal agent)
(their) attorney and agent to publish and
file for it (them) freight tariffs and supple-
ments thereto, as permitted or required of
common carriers of property by water under
the Interstate Commerce Act and the Regu-
lations of the Interstate Commerce Commis-
sion issued pursuant thereto, and does
(do) hereby ratify and confirm all that the
said attorney and agent may lawfully do by
virtue of the authority herein granted, and
does (do) hereby assume full responsibility
for the acts and failures to act of said attor-
ney and agent.

That the authority herein granted shall
extend until revoked and shall cover all ter-
ritories and all rates or charges, except as
hereinafter stated:

If limited as to time, traffic, or territories,
here state the period of time, the traffic and
the territory covered.

If the authority runs only to a particular
tariff, state its I.C.C. number, the date of
issue and effective date if known, and a brief
description of its application. If intended
also to include reissues thereof, so state.

And, further, That ----- does (do)

(Name of car-
rier.) See
Notes 1 and
3, Rule 8
(g).)

hereby make, constitute and appoint -----
----- alternate at-
(Name of alternate agent)

torney and agent to do and perform the same acts and exercise the same authority herein granted to

(Name of principal agent)
in the event, and only in the event, of the death or disability of

(Name of principal agent)
and does (do) hereby ratify and confirm all that the said alternate attorney and agent may lawfully do by virtue of the authority herein granted and does (do) hereby assume full responsibility for the acts and failures to act of said alternate attorney and agent.

(Name of carrier.) (See Notes 1, 2, and 3, Rule 8 (g).)

By (See Note 2, Rule 8 (g).)

Title

Attested:

Title
(Corporate Seal, if any)

(b) Whenever a carrier desires to concur in tariffs issued and filed by another carrier, a concurrence in the following form, size 8 by 10½ inches, shall be issued in favor of such other carrier. A concurrence may not be used to publish the local rates of another carrier.

CONCURRENCE

FX 11 No. _____
Cancels FX 11 No. _____

(Name of carrier.) (See Notes 1 and 3, Rule 8 (g).)

19____

(Post office address)

To the Interstate Commerce Commission,
Section of Tariffs, Washington, D. C.

This is to certify that

(Name of carrier.) (See Notes 1 and 3, Rule 8 (g).)

assents to and concurs in the publication and filing of tariffs and supplements thereto which

(Name of carrier to whom concurrence is given)

publish and file and in which this carrier is shown as a participating carrier and hereby makes itself a party thereto and bound thereby until this instrument is revoked, as follows:

Here state whether the concurrence includes all tariffs or supplements issued by the carrier to whom the concurrence is given, whether and to what extent it is limited to particular rates, charges, ratings, rules, or regulations, or to traffic to, from, at, or via its line, or whether it is limited to a specific tariff (in which event state its I.C.C. number, the date of issue and effective date if known, and a brief description of its application). If intended also to include reissues thereof, so state.

(Name of carrier.) (See Notes 1, 2, and 3, Rule 8 (g).)

By (See Note 2, Rule 8 (g).)

(c) A power of attorney or concurrence may be revoked only upon not less than sixty days' notice to the Commission by filing a notice of revocation with the Commission and serving, at the same time, a copy thereof on the agent or carrier in whose favor the power of attorney or concurrence was executed. Such revocation notice shall be in the following form on paper of size 8 by 10½ inches and shall specify a date upon which the revocation is to become effective, which must be not less than sixty days subsequent to the date of its receipt by the Commission. A revocation notice must be signed and otherwise executed in the

same manner as the form which it revokes. (See Note 2, Rule 8 (g).)

REVOCATION NOTICE (Power of Attorney)

(Name of Carrier) (See Notes 1 and 3, Rule 8 (g).)

(Post office address)

19____

Know all men by these presents:

Effective _____, 19____, power of attorney FX 10 No. _____ issued by

(Name of carrier)

in favor of

(Here show name of agent (and alternate agent) in whose favor power of attorney was executed)
is hereby canceled and revoked.

(Name of carrier.) (See Notes 1, 2, and 3, Rule 8 (g).)

By (See Note 2, Rule 8 (g).)

Title

Attested:

Title
(Corporate Seal, if any)

Duplicate mailed to _____ at _____
Date duplicate mailed _____

REVOCATION NOTICE (Concurrence)

(Name of Carrier) (See Notes 1 and 3, Rule 8 (g).)

(Post office address)

19____

To the Interstate Commerce Commission,
Section of Tariffs, Washington, D. C.

Effective _____, 19____, concurrence form FX 11 No. _____ issued by

(Name of carrier)

in favor of

(Here show name of carrier)

in whose favor concurrence was issued)
is hereby canceled and revoked.

(Name of carrier) (See Notes 1, 2, and 3, Rule 8 (g).)

By (See Note 2, Rule 8 (g).)

Title

Duplicate mailed to _____ at _____
Date duplicate mailed _____

(d) The original of all powers of attorney, concurrences and revocation notices shall be filed with the Commission and a duplicate thereof sent to the agent or carrier in whose favor the document is issued. Powers of attorney and concurrences shall be in separate series and numbered consecutively, commencing with No. 1 for each series. Revocation notices shall bear no serial number but shall specify the form and number of the instrument to be revoked.

(e) A carrier that grants authority to an agent or to another carrier to publish and file certain of its rates or provisions must not in its own issues publish rates or provisions which duplicate or conflict with those which are published by such authorized agent or other carrier, and

must not grant duplicating or conflicting authority to another agent or carrier.

(f) All carriers parties to tariffs making reference to separate publications for classification ratings, exceptions thereto, rules, or other provisions affecting the rates or the services rendered, except such carriers as indicate by restrictions published in the tariffs making reference to such separate publications that they will not apply the provisions therein, shall also be participating carriers in such separate governing publications. This rule does not require participation in local terminal tariffs or tariffs containing other provisions which are local to the lines publishing such tariffs.

(g) Explanation of notes referred to in this rule:

NOTE 1: In the blank space for the name of the carrier, there shall be shown, if the carrier is an individual, the individual name followed by the trade name, if any. If the carrier is a partnership, the correct names of all partners must be given, followed by the trade name, if any. If the carrier is a corporation, the correct corporate name must be used.

NOTE 2: Powers of attorney, concurrences and revocation notices shall be signed only with the individual name of the carrier, if the carrier is an individual, and shall be signed by all of the partners individually, if a partnership. If the carrier is a corporation, a power of attorney shall be signed by the president or vice president, attested by the secretary, and the corporate seal affixed, and a concurrence shall be signed by any official of the company, provided his title is shown.

NOTE 3: In all cases the name of the carrier shall be identical with the name used in the application for a certificate or in the certificate when issued.

Rule 9. Letters of Transmittal

Letters of Transmittal shall be on paper of size 8 by 10½ inches and in substantially the following form. They should be submitted in duplicate if a receipt is desired.

FORM OF LETTER OF TRANSMITTAL

(Name of carrier, or agent filing under power of attorney, in full)

Address _____

Date _____

Transmittal No. _____

To the INTERSTATE COMMERCE COMMISSION,
Section of Tariffs, Washington, D. C.

Accompanying publication or publications hereinafter designated are sent you for filing in compliance with the requirements of the Interstate Commerce Act.

I. C. C. No. _____ Supplement No. _____
Effective Date _____

(Signature of filing officer or agent)

Rule 10. Periodical Tariffs

A tariff may provide that it will be reissued periodically at specified times, not more than twelve months apart. Such tariff must bear on the upper left corner of the title-page the notation:

This tariff will be reissued effective on or before _____, 19____.

Supplements to such tariff may contain all amendments thereto without limit as to volume.

Unless the date fixed for reissue of a particular tariff is strictly observed, future issues of that tariff may not be published under authority of this rule.

[F. R. Doc. 41-44; Filed, January 2, 1941; 11:43 a. m.]

ORGANIZATION SCHEDULE AND ASSIGNMENT
OF WORK AND FUNCTIONS

AMENDMENT

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 23d day of December, A. D. 1940.

Section 17 of the Interstate Commerce Act and other provisions of law being under further consideration:

It is ordered, That the fifth paragraph¹ under the subheading *To Individual Members of the Commission* in the Commission's organization schedule and assignment of work and functions adopted November 15, 1940, be, and it is hereby amended to read as follows:

The Commissioner to whom the Bureau of Safety reports: uncontested matters under section 25, the Safety Appliance Acts, as amended, the Hours of Service Act, as amended, and section 3 of the Accident Reports Act (including the making of reports of investigations under that section except those in which testimony is taken at a public hearing).

By the Commission.

[SEAL]

W. P. BARTEL,
Secretary.

[F. R. Doc. 41-78; Filed, January 3, 1941;
12:08 p. m.]

[Tariff Circular No. 23]

ORDER IN THE MATTER OF REGULATIONS
GOVERNING THE FORM, PUBLICATION, FIL-
ING, AND POSTING OF TARIFFS OF COM-
MON CARRIERS BY WATER APPLICABLE
TO THROUGH WATER-RAIL TRANSPORTA-
TION OF PASSENGERS AND PROPERTY IN
INTEREST AND FOREIGN COMMERCE

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D. C., on the 31st day of December, A. D. 1940.

The matter of regulations, pursuant to section 306 (b) of the Interstate Commerce Act, governing the form, publication, posting, and filing of tariffs of common carriers by water applicable to through water-rail transportation of passengers and property being under consideration, and good cause appearing therefor:

It is ordered, That tariffs, including classifications, of common carriers by water applicable to through transportation of passengers and property subject to Part III of the Interstate Commerce Act, partly by water and partly by rail, shall, on and after February 1, 1941, and until the further order of the Commission, be published and filed in the form and manner prescribed in Tariff Circular No. 20 and Supplement No. 5 thereto as to transportation of property, and in Tariff Circular No. 18-A and Supplements Nos. 3 and 5 thereto as to transportation of passengers.

And it is further ordered, That each said common carrier by water shall post in a public and conspicuous place at each loading port at which it maintains an office all tariffs, including supplements thereto, applying from or at such port, and shall also post at its principal place of business all its tariffs and supplements. Each said tariff and supplement shall be forwarded to the carrier's agent at the same time that it is forwarded to the Commission. Upon its receipt by the agent, there shall be written or stamped upon its title page the date upon which it is received. All tariffs and supplements so posted shall be kept in an orderly manner and be open to public inspection and examination at all reasonable times.

By the Commission, division 2.

[SEAL]

W. P. BARTEL,
Secretary.

RULES FOR CONSTRUCTION, FILING, AND
POSTING OF PASSENGER TARIFFS OF COM-
MON CARRIERS BY WATERNOTICE TO COMMON CARRIERS OF PASSENGERS
BY WATER SUBJECT TO PART III OF THE
INTERSTATE COMMERCE ACT

DECEMBER 31, 1940.

Attached hereto are the following:

(1) Tariff Circular No. 23, containing Regulations to Govern the Construction, Filing, and Posting of Passenger Tariffs of Common Carriers by Water subject to Part III of the Interstate Commerce Act, as adopted by Division 2 of the Interstate Commerce Commission on December 31, 1940.

(2) An order (Page II of the circular) adopted by Division 2 on December 31, 1940, making Tariff Circular No. 23 effective February 1, 1941, as to all tariffs of common carriers by water applicable on traffic which prior to January 1, 1941, was not subject to the jurisdiction of either the United States Maritime Commission or the Interstate Commerce Commission, subject to a proviso that if desired such tariffs may be filed in accordance with provisions of Tariff Circular No. 18-A, in which event Circular No. 23 will not apply.

As noted Tariff Circular No. 23 is at this time not made applicable to intercoastal or coastwise traffic now subject to the jurisdiction of the United States Maritime Commission. Tariffs applicable to such traffic are now subject to Circulars Nos. 1 and 2 of the Maritime Commission. It is the intention to make only such changes in those circulars as are necessary to effect the transfer of existing tariffs to this Commission and to provide for the filing of successive supplements, reissues and new tariffs. Instructions in this respect will be mailed later to intercoastal and coastwise common carriers. Joint rail-water tariffs will for the present continue subject to the provisions of Tariff Circular No. 18-A, and joint motor-water tariffs to the provisions of Tariff Circular MP No. 3.

Tariff Circular No. 23 contains only 13 rules, all of which have been made as simple as possible. The following rules have no reference to initial tariffs filed to become effective on the effective date of section 306 (a) of the Interstate Commerce Act; Rules 1 (b), 2, 3 (b), 3 (c), 3 (h), 5 (f), 5 (g), 7, 8 (c), 11, 12, and 13. They may be disregarded in filing initial tariffs. Particular attention is called to Rule 11 requiring the filing of an index of effective tariffs. This rule is by its own terms not made effective until May 1, 1941 so that no index need be filed at the time initial tariffs are sent to the Commission.

In view of the short time available, tentative passenger rules were not submitted in advance but the rules in Circular 23 have been made as nearly as practicable like those in Tariff Circular No. 22 governing all-water transportation of freight. Tentative rules to govern the latter were submitted in advance. The Commission will, of course, be willing to consider recommendations or suggestions for changes in the rules from any interested carriers if it appears that any of the rules need modification, and in any event after the new rules have been in effect for a reasonable period it is the intention to give further consideration to the general question of rules to apply on all-water traffic, including traffic subject to this circular and that subject to Circulars Nos. 1 and 2 of the Maritime Commission.

Particular attention is called to Rule 1 (c) which provides that initial tariffs may be filed and posted upon not less than one day's notice, that is, at least one day prior to the effective date of section 306 (a).

By order dated December 13, sent out to all carriers by water with a notice dated December 14, the effective date of section 306 (a) was postponed to February 1, 1941. That notice inadvertently stated that the effect of that order was "to defer the filing of tariffs of common carriers until February 1, 1941." This should have read "until January 31, 1941" in compliance with Rule 1 (c).

In the event a carrier is now using a printed tariff which is in general accord with these rules and desires to file it as an initial filing, consideration will be given to an application for special permission, filed in the form and manner set forth in Rule 7, requesting waiver of the rules to permit the filing of the tariff and effective supplements with a new cover page as an initial filing. Such application should state that the new cover page will comply with Rule 3 and bear a statement that the tariff (properly identified) and the effective supplements (identified by number), if any, become I.C.C. No. ----- on the effective date of section 306 (a).

Tariff Circular No. 23 and the order to which reference is made in paragraph (2) above, are being mailed to all known for-hire carriers of passengers by water, although they apply only to common

¹ 5 F.R. 4697.

carriers subject to section 306 (a) and only to traffic not now subject to the jurisdiction of the United States Maritime Commission, or of this Commission. As far as the Commission is now aware, there are no contract carriers of passengers by water and therefore no rules have been promulgated to govern the filing and posting of schedules of such carriers. However, as carriers have the right in the first instance to decide for themselves in the light of their actual operations and provisions of law whether they are common or contract carriers as defined in the Interstate Commerce Act, if any passenger carriers believe themselves to be contract carriers and expect to file applications for permits as such, they are requested promptly to advise the Commission so that rules to govern schedules showing their charges may be promulgated.

[SEAL]

W. P. BARTEL,
Secretary.

REGULATIONS TO GOVERN THE CONSTRUCTION, FILING, AND POSTING OF PASSENGER TARIFFS OF COMMON CARRIERS BY WATER AS INDICATED HEREIN

ORDER IN THE MATTER OF REGULATIONS GOVERNING THE FORM, PUBLICATION, FILING, AND POSTING OF TARIFFS OF COMMON CARRIERS OF PASSENGERS BY WATER

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D. C., on the 31st day of December, A. D. 1940.

The matter of regulations, pursuant to section 306 (b) of the Interstate Commerce Act, governing the form, publication, filing, and posting of tariffs of common carriers of passengers by water being under consideration, and good cause appearing therefor:

It is ordered, That tariffs of common carriers of passengers by water applicable only on traffic which prior to January 1, 1941, was not subject to the jurisdiction of the United States Maritime Commission or the Interstate Commerce Commission, shall be published, filed, posted and kept open for public inspection in the form and manner prescribed in Tariff Circular No. 23, said circular being hereby approved and made effective February 1, 1941, *Provided*, That where carriers elect to file tariffs conforming to the regulations of Tariff Circular No. 18-A, the provisions of Circular No. 23 will not apply.

By the Commission, division 2.

[SEAL]

W. P. BARTEL,
Secretary.

REGULATIONS ISSUED BY THE INTERSTATE COMMERCE COMMISSION UNDER AUTHORITY OF THE INTERSTATE COMMERCE ACT TO GOVERN THE CONSTRUCTION, FILING, AND POSTING OF PASSENGER TARIFFS OF COMMON CARRIERS BY WATER ON TRAFFIC WHICH PRIOR TO JANUARY 1, 1941, WAS

NOT SUBJECT TO THE JURISDICTION OF EITHER THE UNITED STATES MARITIME COMMISSION OR THE INTERSTATE COMMERCE COMMISSION

The term "tariff" as used herein means a publication stating the fares and charges of a common carrier, and the rules and regulations which apply in connection therewith.

All tariffs applicable on traffic subject to these regulations must conform to all of their provisions, except as otherwise authorized by the Commission. They shall state and arrange the fares, charges, rules, and regulations clearly and explicitly in such manner that there will be no doubt of their proper application. Carriers or their agents may not publish fares or provisions which duplicate or conflict with fares or provisions published by or for account of such carriers. Tariffs governed by these regulations must not contain:

Joint water-rail fares;
Joint water-motor fares;
Joint water-rail-motor fares;
Freight rates and charges;
Contract carrier fares or charges.

Rule 1. Construction and Filing

(a) All tariffs and supplements thereto shall be in book or pamphlet form, of size 8 inches wide by 11 inches long, and shall be plainly printed on paper of durable quality, from type of size not smaller than 8-point (full face), except that 6-point (full face) type may be used for explanation of reference marks. The term "printed" includes reproduction by stereotype, mimeograph, planograph, or other similar durable process. All copies posted and filed must be clear and legible in all respects.

No erasure or other alteration shall be made in any tariff or supplement thereto.

A margin of not less than five-eighths of an inch without any printing thereon shall be allowed at the binding edge of each tariff or supplement. No advertising matter shall be included in any tariff or supplement thereto.

All tariffs of each carrier or agent shall be numbered consecutively. Carriers or agents not now filing with this Commission should commence with I.C.C. No. 1, and others should continue their present series of numbers. (See Rule 13.)

Tariffs shall have each page thereof numbered.

When portions of a tariff or of a supplement thereto are designated as items, they must be given numbers.

(b) All tariffs and supplements (except as provided in Rule 1 (c)) must be filed and posted at least 30 days prior to the effective date thereof, unless otherwise authorized by the Commission.

(c) Tariffs published to become effective on the date on which section 306

(a) of the Interstate Commerce Act becomes effective, but not thereafter, may

be filed and posted upon not less than one day's notice, that is, at least one day prior to the effective date thereof. All subsequent publications must comply with Rule 1 (b).

(d) Issuing carriers or their agents shall file with the Commission two copies of each tariff or supplement. Both copies shall be included in one package accompanied by a letter of transmittal (See Rule 9) listing all publications enclosed, and shall be addressed to the "Interstate Commerce Commission, Section of Tariffs, Washington, D. C." All postage or other charges must be prepaid.

Rule 2. Indication of Changes

All tariffs and supplements shall indicate the changes from preceding issues by use of the following symbols:

↓ or (R) to denote reductions.

◆ or (A) to denote increases.

▲ or (C) to denote changes, the result of which is neither an increase nor a reduction.

Rule 3. Title Pages

The title-page of each tariff and supplement shall show in the order named:

(a) In the upper right-hand corner, the I.C.C. number of the tariff.

(b) When a tariff is issued canceling a tariff or tariffs previously filed, the I.C.C. number or numbers of the tariff or tariffs canceled in the upper right-hand corner immediately under the I.C.C. number of the new tariff. Example:

I.C.C. No. 2
cancels
I.C.C. No. 1

(c) Supplements, in addition to showing the I.C.C. number of the tariff amended thereby, shall be numbered consecutively beginning with No. 1 and such information shall be shown in the upper right-hand corner. Supplements shall also show in the upper right-hand corner the number of any previous supplement canceled thereby and also the numbers of the effective supplements containing all changes from the tariff. (See Rule 13.) Example:

Supplement No. 3
to
I. C. C. No. 1
cancels Supplement No. 2
Supplements Nos. 1 and 3 contain all changes

(d) The name of the carrier or agent issuing the tariff in the upper central portion of the title-page. The name of the carrier shall be the same as that used in its application for a certificate or in the certificate when issued. If the carrier is not a corporation and a trade name is used, the name of the individual or partners shall precede the trade name. Example:

John Doe and William Doe
doing business as
A. B. C. Transportation Co.

(e) The character of the tariff; for example, whether local or joint or both.

(f) A brief description of the territories in which, or points from and to which, or between which the fares or charges in the tariff apply.

(g) On the lower left side of the title-page, the date of issue; on the right side, opposite the date of issue, the effective date. If the publication contains fares, charges, rules, or regulations effective upon a date different from the general effective date of the publication, notation must be made in connection with the effective date reading, "(Except as otherwise provided herein)" or "(Except as provided in Item -----)" or "(Except as provided on page -----)".

(h) On every tariff or supplement in which all the fares, charges, rules, or regulations are made effective on less than 30 days' notice under authority of the Commission, notation that it is issued on ----- days' notice under authority of ----- (here show the authority).

(i) The name, title, and post office address of the individual, officer, or agent issuing the publication.

Rule 4. Contents

Tariffs shall contain in the order named:

(a) A table of contents, arranged in alphabetical order, showing the number of the item or page in or on which each subject may be found. If a tariff contains so small a volume of matter that its title-page or interior arrangement plainly discloses its contents, the table of contents may be omitted.

(b) A list of carriers participating in the tariff with reference to the form and number of the power of attorney or concurrence under which publication is made. If desired, this information may be shown on the upper central portion of the title-page of the tariff in connection with the name of the issuing carrier or agent.

(c) A complete alphabetical index of all points from and to which fares or charges apply, together with the names of the States in which located and a reference to numbers of the items or pages in or on which the fares or charges from and to such points appear. If the points are arranged in alphabetical order in the items or tables of fares, no index will be required.

(d) Explanation of all abbreviations, symbols, and reference marks used in the tariff.

(e) The rules and regulations which govern the fares or charges in the tariff. The title or subject of each rule or regulation shall be shown in distinctive type. Under this heading shall be shown all provisions which affect the charge for, or the value of, the service, such as rules defining the extent to which baggage will be carried without charge, and the charges, if any, for carrying bag-

gage; the general rules governing stop-over privileges, validation and extension of time limits of tickets; and any other rules necessary to state plainly the arrangements sought to be established; except that special rules applying to particular fares or charges shall be shown in connection therewith, and on the same page.

(f) The fares and charges explicitly stated in cents, or in dollars and cents, together with the names of the places from and to which they apply, arranged in a simple and systematic manner. Fares and charges may not include services not subject to the Act such as hotel accommodations or admission to entertainments, but charges for such services may be shown separately for information only.

(g) Routing over which the fares apply, stated in such manner that such routes may be definitely ascertained.

Rule 5. Changes in Tariffs

(a) Except as to round-trip excursion fares, as provided in Rule 10, and unless otherwise authorized by the Commission, fares charges, rules, and regulations which have been filed with the Commission must be permitted to become effective and remain in effect for a period of at least 30 days before being changed or canceled.

(b) A change in or addition to a tariff shall be published in a supplement to the tariff or in a reissue thereof. The matter in each supplement shall be arranged in the same general manner and order as in the tariff which it amends.

(c) A change published in a supplement shall cancel specifically the corresponding item or other matter of the tariff or prior supplement which is thereby changed. An item or other unit in its amended form must be published in its entirety.

(d) Any change in or cancellation of an item by supplement must be under the same item number with letter suffix; for example: Item 40-A cancels Item 40; Item 40-B cancels Item 40-A; and so on.

(e) Matter brought forward without change from one supplement to another, must be designated "Reissued" and show the original effective date and the number of the supplement from which it is reissued. For example: "Reissued from Supplement No. --, effective ----- 19--."

(f) Each tariff or supplement which consists partly but not wholly of matter established upon less than statutory notice shall show in connection with each change made effective on less than statutory notice a notation that such matter is issued on -- days' notice under authority of ----- (here give specific reference to the special permission, decision, order, or other authority).

(g) Except as provided in Rules 11 and 12, a tariff containing the number of pages indicated under Column 1 may have in effect at any time not more than

the number of supplements and the volume of supplemental matter shown opposite thereto in Columns 2 and 3, respectively, except that no supplement may be issued to a tariff of excursion fares issued under Rule 10.

Column 1 Pages	Column 2 Supplements	Column 3 Volume (number of pages)
1 but not more than 4.....	0	0
5 but not more than 12.....	1	4
Over 12.....	1	(1)

¹ 33 1/3 percent of the number of pages in the tariff.

Rule 6. Posting Regulations

Each carrier shall post in a public and conspicuous place at each loading port at which it maintains an office all tariffs, including supplements thereto, applying from or at such port, and shall also post at its principal place of business all its tariffs and supplements. Each said tariff and supplement shall be forwarded to the carrier's agent at the same time that it is forwarded to the Commission. Upon its receipt by the agent, there shall be written or stamped upon its title page the date upon which it is received. All tariffs and supplements so posted shall be kept in an orderly manner and be open to public inspection and examination at all reasonable times.

Rule 7. Applications for Special Permission

(a) Applications for short notice. Applications for permission to publish fares, charges, rules, or regulations upon less than the 30 days' notice required by the Interstate Commerce Act shall be in form substantially as follows:

APPLICATION FOR SPECIAL PERMISSION

(Name of carrier) _____

(Address) _____

(Date) _____

Application No. _____

INTERSTATE COMMERCE COMMISSION,
Washington, D. C.

The (insert name of carrier) hereby petitions the Interstate Commerce Commission for permission under the Interstate Commerce Act to put in force the following fares, charges, rules, or regulations, to become effective ----- days after the filing thereof with the Interstate Commerce Commission

(Here state fully, either specifically or by reference to an accompanying exhibit, the fares, charges, rules, or regulations which it is desired to put into effect, and the points of origin and destination. If permission is sought to establish a rule or regulation the exact wording of the proposed rule or regulation must be shown.)

Your petitioner further represents that the said (fares, charges, etc., as the case may be) above specified will be published in tariff I.C.C. No. ---- (or in a consecutively numbered supplement to I.C.C. No. ----) and will supersede and take the place of the (fares, charges, etc., as the case may be) on like traffic from and to the points above

named as set forth in tariff I.C.C. No. ----
(or supplement) on file with the Commission.

(Here state, either specifically or by reference to an accompanying exhibit, the present fare, rule, etc., together with the I. C. C. number of the tariff in which published.)

(Here state the names of competing carriers that publish fares, rules, etc., covered by the application between the same points and the date under which they have been notified of the changes proposed by the application. If competing carriers have expressed their views in regard to the proposal, a brief statement of views shall be given.)

(Here state the basis on which the proposed fares are constructed.)

Your petitioner bases such request upon the following facts, which present certain special circumstances and conditions justifying the request herein made:

(Here state fully all circumstances and conditions which are relied upon as justifying the application and which may aid the Commission in determining the question presented. If short notice is requested, state why the change was not established upon statutory notice.)

(Name of carrier)

Subscribed and sworn to before me this _____ day of _____, 19____.

(Only the original need be executed)

Notary Public.

(b) *Applications for short notice and waiver of rules.* Where permission is sought to publish upon less than 30 days' notice and also to depart from one or more of the Commission's rules as to publishing or posting tariffs, the form set forth in (a) above shall be used, adding thereto the numbers of the rules, and the reasons waiver is sought.

(c) *Applications for waiver of rules.* Applications for waiver of rules not involving publication on less than 30 days' notice need not be made on any specified form but shall contain a list of the rules waiver of which is sought and the reasons therefor.

(d) Three copies of applications, including amendments thereto and exhibits made a part thereof, shall be addressed to "Secretary, Interstate Commerce Commission, Washington, D. C." Such applications shall give all the information required, together with any other pertinent facts, shall be made on paper 8 x 10½ inches, and shall be numbered consecutively. Carriers or agents not now filing with this Commission should commence with No. 1, and others should continue their present series of numbers.

(e) Applications must be filed in the correct legal name of the carrier whether an individual, a partnership or a corporation, and must be signed by a duly authorized representative.

When an application is filed by an agent, appropriate change should be made in the introductory paragraph to indicate that it is filed for and on behalf of all carriers participating in the tariff or tariffs covered by the application and shall be signed by said agent.

(f) A desire to meet the fares of a competing carrier which has given statutory notice of change will not of itself be regarded as good cause for permitting changes to be published on less than statutory notice.

Rule 8. Powers of Attorney and Concurrences

(a) A carrier may give authority to an agent to issue and file tariffs and supplements thereto in its stead, by executing a power of attorney in the following form, size 8 x 10½ inches:

POWER OF ATTORNEY

PX 10 No. ----
Cancels PX 10 No. ----

(Name of carrier) (See Notes 1 and 3, Rule 8 (f).)

(Post office address)

-----, 19____

Know all men by these presents:

That ----- has (have)
(Name of carrier) (See Notes 1 and 3, Rule 8 (f).)

made, constituted and appointed, and by these presents does (do) make, constitute and appoint ----- its (their)

(Name of principal agent)
attorney and agent to publish and file for it (them) passenger tariffs and supplements thereto, as permitted or required of common carriers of passengers by water under the Interstate Commerce Act and the Regulations of the Interstate Commerce Commission issued pursuant thereto, and does (do) hereby ratify and confirm all that the said attorney and agent may lawfully do by virtue of the authority herein granted, and does (do) hereby assume full responsibility for the acts and failures to act of said attorney and agent.

That the authority herein granted shall extend until revoked and shall cover all territories and all fares or charges, except as hereinafter stated:

If limited as to time, traffic, or territories, here state the period of time, the traffic and the territory covered.

If the authority runs only to a particular tariff, state its I. C. C. number, the date of issue and effective date if known, and a brief description of its application. If intended also to include reissues thereof, so state.

And, further, That -----

(See Notes 1 and 3, Rule 8 (f).)
does (do) hereby make, constitute and appoint ----- alternate at-

(Name of alternate agent)
torney and agent to do and perform the same acts and exercise the same authority herein granted to ----- in the

(Name of principal agent)
event, and only in the event, of the death or disability of ----- and

(Name of principal agent)
does (do) hereby ratify and confirm all that the said alternate attorney and agent may lawfully do by virtue of the authority herein granted and does (do) hereby assume full responsibility for the acts and failures to act of said alternate attorney and agent.

(Name of carrier.) (See
Notes 1, 2, and 3, Rule
8 (f).)

By -----
(See Note 2, Rule 8 (f).)

Title -----

Attested:

(Title)

(Corporate Seal, if any)

(b) Whenever a carrier desires to concur in tariffs issued and filed by another

carrier, a concurrence in the following form, size 8 by 10½ inches, shall be issued in favor of such other carrier. A concurrence may not be used to publish the local fares of another carrier.

CONCURRENCE

PX 11 No. ----
Cancels PX 11 No. ----

(Name of Carrier) (See Notes 1 and 3, Rule 8 (f))

(Post office address)

-----, 19____

TO THE INTERSTATE COMMERCE COMMISSION,
Section of Tariffs, Washington, D. C.

This is to certify that -----

(Name of carrier)
(See Notes 1 and 3,
Rule 8 (f))

assents to and concurs in the publication and filing of tariffs and supplements thereto which ----- may publish

(Name of carrier to whom
concurrence is given)

and file and in which this carrier is shown as a participating carrier and hereby makes itself a party thereto and bound thereby until this instrument is revoked, as follows:

Here state whether the concurrence includes all tariffs or supplements issued by the carrier to whom the concurrence is given, whether and to what extent it is limited to particular fares, charges, rules, or regulations, or to traffic to, from, or via its line, or whether it is limited to a specific tariff (in which event state its I.C.C. number, the date of issue and effective date if known, and a brief description of its application). If intended also to include reissues thereof, so state.

(Name of carrier) (See
Notes 1, 2, and 3, Rule 8 (f))

By -----
(See Note 2, Rule 8 (f))

(c) A power of attorney or concurrence may be revoked only upon not less than sixty days' notice to the Commission by filing a notice of revocation with the Commission and serving, at the same time, a copy thereof on the agent or carrier in whose favor the power of attorney or concurrence was executed. Such revocation notice shall be in the following form on paper of size 8 by 10½ inches and shall specify a date upon which the revocation is to become effective, which must be not less than sixty days subsequent to the date of its receipt by the Commission. A revocation notice must be signed and otherwise executed in the same manner as the form which it revokes. (See Note 2, Rule 8 (f))

REVOCATION NOTICE

(Power of Attorney)

(Name of carrier) (See Notes 1 and 3, Rule 8 (f))

(Post office address)

-----, 19____

Know all men by these presents:

Effective -----, 19____, power of attorney PX 10 No. ----- issued by -----

(Name of carrier) in favor of -----

(Here show name of agent (and alternate agent) in whose favor power of attorney was executed)
is hereby canceled and revoked.

(Name of carrier) (See Notes 1, 2, and 3, Rule 8 (f))

By _____
(See Note 2, Rule 8 (f))

Title _____

Attested:

Title
(Corporate Seal, if any)
Duplicate mailed to _____ at _____
Date duplicate mailed _____

REVOCATION NOTICE

(Concurrence)

(Name of Carrier) (See Notes 1 and 3, Rule 8 (f).)

(Post office address) _____

_____, 19____
To the INTERSTATE COMMERCE COMMISSION,
Section of Tariffs, Washington, D. C.

Effective _____, 19____, concurrence
form PX 11 No. _____ issued by _____
(Name of
carrier) _____ in favor of

(Here show name of carrier in whose favor
concurrence was issued)
is hereby canceled and revoked.

(Name of carrier) (See
Notes 1, 2, and 3, Rule
8 (f))

By _____
(See Note 2, Rule 8 (f))

Title
Duplicate mailed to _____ at _____
Date duplicate mailed _____

(d) The original of all powers of attorney, concurrences and revocation notices shall be filed with the Commission and a duplicate thereof sent to the agent or carrier in whose favor the document is issued. Powers of attorney and concurrences shall be in separate series and numbered consecutively, commencing with No. 1 for each series. Revocation notices shall bear no serial number but shall specify the form and number of the instrument to be revoked.

(e) A carrier that grants authority to an agent or to another carrier to publish and file certain of its fares or provisions must not in its own issues publish fares or provisions which duplicate or conflict with those which are published by such authorized agent or other carrier, and must not grant duplicating or conflicting authority to another agent or carrier.

(f) Explanation of notes referred to in this rule:

NOTE 1: In the blank space for the name of the carrier, there shall be shown, if the carrier is an individual, the individual name followed by the trade name, if any. If the carrier is a partnership, the correct names of all partners must be given, followed by the trade name, if any. If the carrier is a corporation, the correct corporate name must be used.

NOTE 2: Powers of attorney, concurrences and revocation notices shall be signed only with the individual name of the carrier, if the carrier is an individual, and shall be signed by all of the partners individually, if a partnership. If the carrier is a corporation, a power of attorney shall be signed by the president or vice president, attested by the secretary, and the corporate seal affixed, and a concurrence shall be signed by any official of the company, provided his title is shown.

NOTE 3: In all cases the name of the carrier shall be identical with the name used in the application for a certificate or in the certificate when issued.

Rule 9. Letters of Transmittal

Letters of Transmittal shall be on paper of size 8 by 10½ inches and in substantially the following form. They should be submitted in duplicate if a receipt is desired.

FORM OF LETTER OF TRANSMITTAL

(Name of carrier, or agent filing under power of attorney, in full) _____

Address _____

Date _____

Transmittal No. _____
To the INTERSTATE COMMERCE COMMISSION,
Section of Tariffs, Washington, D. C.

Accompanying publication or publications hereinafter designated are sent you for filing in compliance with the requirements of the Interstate Commerce Act.

I. C. C. No. _____ Supplement No. _____ Effective Date _____

(Signature of filing officer
or agent)

Rule 10. Round-Trip Excursion Fares

(a) Fares for round-trip excursions as defined in (c) below, when limited to a period of not more than three days (counting both date of departure and scheduled date of return to starting point), may be established by posting tariffs upon not less than one day's notice in a public and conspicuous place where tickets for such round-trip excursions are to be sold, and by mailing at the same time two copies of such tariffs to the Commission.

(b) Fares for round-trip excursions as defined in (c) below, when limited to periods of more than three days but not more than ten days (counting both date of departure and scheduled date of return to starting point), may be established upon filing and posting notice of three days.

(c) The term "round-trip excursion", as used in (a) and (b) above, applies only to round trips from starting point, returning to the same point, applicable only over routes for which the carrier holds operating rights as defined in section 309 of the Act, and with tickets limited for use from starting point only on specified dates. This term does not include special or charter operations.

(d) Each tariff issued under this rule must bear on its title page a notation that it is issued under authority of Rule 10, Interstate Commerce Commission Tariff Circular No. 23.

Rule 11. Index of Tariffs

(This rule effective May 1, 1941.)

Each carrier shall publish, under proper I.C.C. number, post, and file a complete index of all tariffs to which it is a party as an initial line which are in effect on the date of issue of the index or which have been filed with the Commission

to become effective at a later date. Such index shall show: (a) I.C.C. number of each tariff; (b) name or initials of issuing road or agent; (c) brief description of character of tariff; (d) concise statement of points between which tariff applies. Supplements to tariffs and tariffs containing only round-trip excursion fares, as provided in Rule 10, which tariffs are not to remain in effect more than 30 days, need not be included in this index. If any tariff or tariffs have been canceled or reissued, or if any new tariff or tariffs have been issued, since the index was filed, either

(1) the index shall be reissued once every three months, or

(2) a supplement shall be issued once every three months, and the index reissued every 24 months,

in each case showing what tariffs, if any, have been canceled or superseded by other tariffs and what new tariffs have been issued. If supplements are used, they must be numbered consecutively, and must be constructed in the same manner as the index. One supplement, and only one, may be in effect at any time to each index regardless of size. The title page of index or of supplement must show the date of issue thereof, but must not bear an effective date. The rule requiring 30 days' notice does not apply to indexes or supplements thereto. The index or supplement must include information with respect to all tariffs filed with the Commission before the date of issue.

Rule 12. Suspension and Restoration of Service

Tariffs containing fares applicable over routes upon which it is necessary to discontinue service because of close of navigation during a portion of each year, must be supplemented to show the date of suspension and the date of restoration of such service. Such supplements may be made effective upon filing and posting notice of one day, and will not be counted in applying the provisions of Rule 5 (g).

Rule 13. Rejected Tariffs or supplements

When a tariff or supplement is rejected by the Commission, the number which it bears must not be again used. Such tariff or supplement must not thereafter be referred to as canceled, amended, or otherwise. If a new tariff is issued in lieu of a rejected tariff, it must bear a notation "Issued in lieu of I.C.C. No. _____, rejected by the Interstate Commerce Commission". When a supplement is rejected, the first supplement issued following the receipt by carrier of the rejection notice must bear a notation "(Supplement No. _____ rejected by the Interstate Commerce Commission)".

[F. R. Doc. 41-80; Filed, January 3, 1941; 12:08 p. m.]

Notices

NAVY DEPARTMENT.

Bureau of Ordnance.

[Nord-62]

SUMMARY OF CONTRACT FOR MANUFACTURE OF PROJECTILES

CONTRACTOR: KELSEY-HAYES WHEEL COMPANY, DETROIT, MICHIGAN

DECEMBER 26, 1940.

Under date of September 26, 1940, a contract was entered into by the Chief of the Bureau of Ordnance of the Navy Department with the Kelsey-Hayes Wheel Company for the manufacture of projectiles. The contract was for a fixed price, the total consideration being \$1,239,000. Award of this contract was made on the basis of competitive bidding.

W. R. FURLONG,
Rear Admiral, U. S. N.,
Chief of the Bureau of Ordnance.

[F. R. Doc. 41-59; Filed, January 3, 1941;
10:12 a. m.]

[Nord-64]

SUMMARY OF CONTRACT FOR MANUFACTURE OF GUN FORGINGS

CONTRACTOR: BETHLEHEM STEEL COMPANY, BETHLEHEM, PENNSYLVANIA

DECEMBER 26, 1940.

Under date of October 26, 1940, a contract was entered into by the Chief of the Bureau of Ordnance of the Navy Department with the Bethlehem Steel Company for the manufacture of gun forgings. The contract was for a fixed price, the total consideration being \$7,275,484.10. Award of this contract was made on the basis of competitive bidding.

W. R. FURLONG,
Rear Admiral, U. S. N.,
Chief of the Bureau of Ordnance.

[F. R. Doc. 41-60; Filed, January 3, 1941;
10:12 a. m.]

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. A-228]

PETITION OF CAPROCK FUEL COMPANY, A CODE MEMBER IN DISTRICT NO. 17, FOR MODIFICATION OF THE EFFECTIVE MINIMUM PRICES ESTABLISHED FOR ITS COALS IN SIZE GROUPS 1-6 INCLUSIVE, AND 8-13 INCLUSIVE, WHEN SHIPPED BY TRUCK INTO MARKET AREAS 217 AND 218, FOR SPECIAL DEDUCTIONS IN SIZE GROUPS 11 AND 12 FOR SALES TO THE VALMONT PLANT OF THE PUBLIC SERVICE COMPANY OF COLORADO AND FOR OTHER RELIEF

MEMORANDUM OPINION AND ORDER CONCERNING TEMPORARY RELIEF

On October 24, 1940, the Caprock Fuel Company, a code member in Subdistrict

No. 10 of District No. 16, operating the Caprock Mine, Mine Index No. 108, in Jefferson County, Colorado, filed a petition in the above matter requesting the issuance of temporary and permanent relief as follows: (a) revision of the Effective Minimum Prices established for its coals in Size Groups 1-6 inclusive, and 8-13 inclusive, by reducing the prices in Size Groups 1-6, 8, and 13 in the amount of 50 cents per ton, and in Size Groups 9, 10, 11, and 12 in the amount of 25 cents per ton; that in addition coals in Size Groups 11 and 12 be reduced an additional 35 cents when shipped to the Valmont Plant of the Public Service Company of Colorado and (b) that petitioner be permitted to remove at least 75% of the $\frac{3}{8}$ " x 0 fines from the $2\frac{1}{2}$ " and $1\frac{1}{2}$ " slack size coals produced at the Caprock Mine.

The Bituminous Coal Producers Board for District No. 16 filed an answer to the original petition indicating that the District Board had petitioned the Division for certain relief (in Docket No. A-17) and that an order granting temporary relief has been granted authorizing deductions of 25 cents per ton in Size Groups 10, 11 and 12 for shipments to plants having railroad facilities and it would be unfair and discriminatory to permit petitioner to receive an additional deduction in the case of sales to the Valmont Plant of the Public Service Company of Colorado and, further, that it would be unfair to permit petitioner to remove 75% of the $\frac{3}{8}$ " x 0 fines from its coals in Size Groups 10 and 11. The Leyden Lignite Company, operators of the Leyden No. 3 Mine in Subdistrict No. 10 also filed a petition of intervention asking permission to intervene in the proceedings and to adopt the answer filed by District Board No. 16.

On November 26, 1940, an informal conference was held concerning temporary relief in this matter after written notice thereof had been furnished to the petitioner, District Board No. 16 and the Consumers' Counsel Division. The petitioner and District Board No. 16 were instructed to notify interested persons of the time and place of the conference. Appearances at the conference were noted by the petitioner, District Board No. 16, District Board No. 17, the Leyden Lignite Company and the Consumers' Counsel Division.

A. *Removal of fines.* With respect to the request of petitioner for permission to remove 75% of the $\frac{3}{8}$ " x 0 fines from the $2\frac{1}{2}$ " and $1\frac{1}{2}$ " slack coals produced at its mine, petitioner represented that its slack size contained a high percentage of such fines and that it would be necessary for it to remove at least 75% of such sizes in order to have the size consist of its slack coal correspond to the size consist of competing slack coals. However, petitioner indicated that it was unable to ascertain that the removal of such fines would result in a comparable size consist for its coal in relation to the size consist of coal produced by its competitors. Petitioner indicated that it did not have information regarding the size consist of

slack coal produced by its competitors. The representations with respect to the necessity for the removal of the fines was based primarily upon screen tests furnished petitioner by the Public Service Company of Colorado or taken by petitioner at the Valmont Plant of the Public Service Company. District Board No. 16 and a representative for the Leyden Lignite Company represented that the size consist of petitioner's coal was comparable to the size consist of competing coals and that if the relief requested were granted, petitioner would have a decided advantage over its competitors. Upon the representations made at the informal hearing, the Director is of opinion that petitioner would obtain an undue advantage over its competitors if temporary relief were granted with respect to the removal of fines from its slack size coals, and that accordingly temporary relief should not be granted.

B. *Reductions in size groups 10, 11, and 12.* With respect to the reduction of 25 cents in Size Groups 10, 11, and 12, the petitioner indicated that its proposal was based upon the B. t. u. valuations placed upon its coal by the analyses obtained at the Valmont Plant of the Public Service Company of Colorado. Petitioner indicated that the B. t. u. factor is of great importance in the marketing of slack coals to industrial consumers. It is observed that petitioner did not indicate at the conference that purchasers other than the Public Service Company evaluate coals on a B. t. u. basis. Furthermore, it did not indicate imminent danger of losing any business if temporary relief were not granted in this respect. As indicated, in Docket No. A-17, a temporary order has been granted authorizing reductions in Size Groups 10, 11, and 12 in certain instances which, in the absence of a showing of additional possible loss to petitioner, should afford him adequate relief in the premises. The Director accordingly is of opinion that temporary relief should not be granted with respect to petitioner's coals in Size Groups 10, 11, and 12.

C. *Reductions in size groups 1-6, 8, and 9.* With respect to the reductions requested for coals in Size Groups 1-6 inclusive, and 8 and 9, petitioner represented that the reductions requested are necessary for him to meet the delivered prices for such sizes of competitors shipping to retail dealers by rail; that his transportation costs to such yards are the same as the rail freight rate (75 cents per ton). Therefore, his f. o. b. mine prices in Size Groups 1-6 inclusive, and 8 being 50 cents higher than the f. o. b. mine prices for rail mines and 25 cents higher in Size Group 9 than the f. o. b. mine prices for rail mines, petitioner's delivered prices also are on the same adverse differential of 50 cents and 25 cents in the respective size groups; petitioner represented that a large quantity of its domestic coal has been trucked to retail yards where it has been stored. It further represented that it ships coal to only two retail yards in Market Area

218 (Denver), viz. the A. & A. Coal Company and the Fuel Service Company.

District Board No. 16 indicated at the conference that the relief requested by petitioner was reasonable but expressed doubt that it could be enforced. It indicated abuses could occur, due to difficulty in assuring actual delivery of the truck coal to retail yards. In the opinion of the Director the improper use of the privilege requested, if such use should occur, may be the subject of proper proceedings when the situation arises.

Based upon the statements made at the informal conference it appears that petitioner will be at a competitive disadvantage in relation to rail mine shippers in the case of shipping coal to the aforesaid retail yards for storage therein in Market Area 218 and the Director is of the opinion that the petitioner will suffer loss, damage and injury in not being able to continue its present outlet for coal at the two retail yards mentioned at the conference under the Effective Minimum Prices established for its coals.

Accordingly, it is ordered, That pending final disposition of the above entitled matter temporary relief be granted as follows: Commencing forthwith Price Schedule No. 1 of Effective Minimum Prices for District No. 16, and Supplement Thereto, be and the same is hereby amended by adding price instruction and exception No. 17 thereto reading as follows:

"17. When coals in Size Groups Nos. 1 through 9 from the Caprock Fuel Company's Caprock Mine (Mine Index No. 108) are sold by the Caprock Fuel Company, to the A. & A. Coal Company or the Fuel Service Corporation for truck delivery to their respective retail yards in the City of Denver, Colorado, and the coal is unloaded within such yards, the minimum f. o. b. mine prices listed herein for Size Groups 1 through 8 shall be reduced 50 cents and the prices listed herein for Size Group 9 shall be reduced 25 cents. Provided, however, that such reduction shall be based on a truck transportation charge of 75 cents per net ton to such retail yards and provided, further, that the amount of reduction shall be reduced by the amount by which the transportation charge may be less than 75 cents."

D. Coals for shipment to the Valmont plant. With respect to the additional deductions of 35 cents in the case of coal in Size Groups 11 and 12 shipped to the Valmont Plant of the Public Service Company of Colorado, it was represented that the Bureau of Mines' analyses showed that petitioner's coal has a lower B. t. u. content than that of its principal competitors; that the Public Service Company has purchased Size Groups 11 and 12 coal from petitioner for more than two years on the basis of a delivered price 20 cents lower than the delivered price for the same size coals of other District

16 mines; that during this period the Public Service Company has considered the B. t. u. content of the Caprock Mine coal to be 8500, whereas it has considered the B. t. u. content of other District 16 coals to be 9300; that the Public Service Company, therefore, evaluates the delivered value of Caprock coals, Size Groups 11 and 12, to be 85/93 of the delivered value of other District 16 coals; that petitioner has shipped coal to the Valmont Plant in Size Groups 11 and 12; that the f. o. b. mine price for rail coal in Size Group 11 is \$1.80 in Size Group 12 is \$1.60 with a freight rate on such coal of 60 cents, making the delivered price of such rail coal \$2.40 and \$2.20 in Size Groups 11 and 12 respectively; that the Public Service Company has indicated that it will not pay more than \$2.20 for Size Group 11 coal and \$2.00 for Size Group 12 coal produced by petitioner. Petitioner represented that its transportation costs from the Caprock Mine to the Valmont Plant amounted to 75 cents and, in order to effect delivered prices of \$2.20 and \$2.00 for the respective size groups, it is necessary that the f. o. b. mine prices for petitioner's coals be reduced to \$1.45 for Size Group 11 and \$1.25 for Size Group 12.

The Director is of opinion that petitioner has made an adequate showing of actual or impending injury in the event that temporary relief is not granted, that the granting of this relief would not unduly prejudice other interested persons in advance of a hearing, and that a sufficiently clear showing has been made that petitioner is entitled to the relief sought. The relief, however, should be adjusted, in the event that a truck transportation charge from petitioner's mine to this plant should be reduced.

In the circumstances, I am of the opinion that temporary relief should be granted, pending final disposition of the above entitled matter as follows: Commencing forthwith Price Schedule No. 1 of Effective Minimum Prices for District No. 16 and Supplements Thereto are hereby amended by adding price instruction and exception 18 thereto to read as follows:

"18. When coals in Size Groups Nos. 11 and 12 from the Caprock Fuel Company's Caprock Mine (Mine Index No. 108) are sold by the Caprock Fuel Company to the Public Service Corporation for truck delivery to the Valmont Plant, the minimum f. o. b. mine prices for Size Group No. 11 shall be \$1.45 per net ton and the minimum f. o. b. mine price for Size Group 12 shall be \$1.25 per net ton: Provided, however, That such prices shall be based on a truck transportation charge of 75 cents per net ton from the Caprock Mine to the Valmont Plant: And provided further, That the prices herein provided for shall be increased by the amount by which the transportation charge may be less than 75 cents per net ton."

Notice is hereby given that applications to stay, terminate or modify the tempo-

rary relief herein granted may be filed pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in proceedings instituted pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

Accordingly, it is so ordered.

Dated: January 2, 1941.

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 41-67; Filed, January 3, 1941;
10:49 a. m.]

[Docket No. A-342]

PETITION OF THE CONSUMERS' COUNSEL DIVISION FOR A PERMANENT ORDER EQUALIZING MINIMUM PRICES FOR SHIPMENT ALL-RAIL AND AS LAKE CARGO FROM DISTRICTS 4, 7, AND 8 TO MARKET AREA 21 AND FOR A TEMPORARY ORDER REDUCING MINIMUM PRICES FROM SAID DISTRICTS FOR SHIPMENT ALL-RAIL TO SAID MARKET AREA UNTIL JANUARY 1, 1941, PURSUANT TO SECTION 4 II (d) OF THE BITUMINOUS COAL ACT OF 1937

NOTICE OF AND ORDER FOR CONTINUANCE OF HEARING

The original petitioner in the above-entitled matter having shown good cause why the hearing therein, heretofore scheduled for 10 o'clock in the forenoon of January 9, 1941, should be continued until January 29, 1941;

Now, therefore, it is ordered, That the hearing in the above-entitled matter is continued until 10 o'clock in the forenoon of January 29, 1941, at the same place heretofore designated, and before the officers previously designated to preside at said hearing.

Dated: January 2, 1941.

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 41-63; Filed, January 3, 1941;
10:48 a. m.]

[Docket No. A-427]

PETITION OF LOCKVIEW COAL COMPANY, A PRODUCER IN DISTRICT NO. 3, FOR REVISION OF EFFECTIVE MINIMUM PRICES OF COAL IN SIZE GROUPS 5-10

MEMORANDUM OPINION AND ORDER CONCERNING PRAYER FOR TEMPORARY RELIEF

The above-named petitioner has filed an original petition under section 4 II (d) of the Bituminous Coal Act of 1937, requesting reclassification of its coal in Size Groups 5-10. Petitioner's coal is now classified "F" in all size groups. The petition asks a "G" classification for Size Groups 5 and 6, and an "H" classification for Size Groups 7-10. The petition requests temporary relief, as above set out, pending final disposition of the petition, and an informal conference was held on December 13, 1940 upon notice to interested parties. Represented at the conference were peti-

tioner, District Board No. 3, and Canyon Coal and Coke Company. At the conference all interested parties were given full opportunity to express their views concerning the temporary relief relief requested.

Petitioner asks classifications in these size groups the same as those now in effect for Canyon Coal and Coke Company. Petitioner contends that the circumstances at this mine are in every way the same as those at the Canyon Mine and that for this reason and for the further reason that the two mines are competitive, they should be classified the same. District Board No. 3 and the Canyon Coal and Coke Company oppose the request of petitioner upon the ground that the peculiar conditions at the Canyon Mine do not prevail at the mine of the Lockview Coal Company and that the latter is properly classified "F" in all size groups, as are other mines in the Pittsburgh seam in District No. 3.

The petition states, and this was supplemented by oral statements at the informal conference, that conditions calling for the temporary relief sought did not arise until the construction of a new tipple in November 1940. Prior to that time, petitioner was not equipped to prepare satisfactorily the sizes for which reclassification is requested.

The Director has carefully considered the request for temporary relief, the views expressed, and data submitted in connection therewith at the informal conference. The Director finds that petitioner has made no adequate showing of actual or impending injury in the event the temporary relief is not granted, and further finds that the granting of this relief would unduly prejudice other interested persons in advance of the hearing and that no sufficiently clear showing has been made that petitioner is entitled to the relief prayed.

Now, therefore, it is ordered: That the temporary relief prayed for is denied.

Dated: January 2, 1941.

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 41-66; Filed, January 3, 1941;
10:48 a. m.]

[Docket No. A-452]

PETITION OF DISTRICT BOARD 1 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 1 NOT HERETOFORE CLASSIFIED AND PRICED

NOTICE OF AND ORDER FOR HEARING AND ORDER GRANTING TEMPORARY RELIEF

An original petition, pursuant to Section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party;

It is ordered, That a hearing in the above-entitled matter be held, under the applicable provisions of said Act, and the rules and regulations of the Division, on January 27, 1941, at 10 o'clock a. m. (eastern standard time) in a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in Room 502 will advise as to the room in which such hearing will be held.

It is further ordered, That Travis Williams or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become parties herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before January 20, 1941.

The matter concerned herewith is in regard to the establishment of price classifications and minimum prices for the coals of certain mines hereinafter named, located in District No. 1, for which coals price classifications and minimum prices have not heretofore been established.

All persons are hereby notified that the hearing in the above-entitled matter and any orders therein may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment of the original petition, petitions of interveners, or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of said original petition.

It is further ordered, That a reasonable showing of the necessity therefor having been made, pending final disposition of the petition in the above-entitled matter, temporary relief be, and it hereby is,

granted as follows: Commencing forth, the coals referred to in the schedules marked "Temporary Supplement A-R" and "Temporary Supplement A-T", annexed hereto and made part hereof, shall be subject to minimum prices as provided in said schedules.

Notice is hereby given that applications to stay, terminate or modify the temporary relief herein granted may be filed pursuant to the rules and regulations governing practice and procedure before the Bituminous Coal Division and proceedings instituted pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

Dated: January 2, 1941.

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 41-64; Filed, January 3, 1941;
10:48 a. m.]

[Docket No. 1483-FD]

**IN THE MATTER OF HARRY OATES,
DEFENDANT**

**NOTICE OF AND ORDER FOR POSTPONEMENT
OF HEARING**

A hearing in the above-entitled matter having been scheduled for January 6, 1941, at 10 a. m. in the County Court House at Madisonville, Kentucky;

It is ordered, That the hearing is postponed to January 15, 1941, at the same time and place.

Dated: January 2, 1941.

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 41-65; Filed, January 3, 1941;
10:48 a. m.]

DEPARTMENT OF COMMERCE.

Civil Aeronautics Authority.

[Docket No. SR-50]

**IN THE MATTER OF RAYMOND LEE KIDD,
HOLDER OF PRIVATE PILOT CERTIFICATE
No. 48357**

NOTICE OF HEARING¹

To: Carl Marshall, Attorney, National Bank of Gulfport Building, Gulfport, Miss.

Please take notice that on the 13th day of January 1941, at 9:30 a. m., E. S. T., in the Department of Commerce Building, Washington, D. C., the hearing in the above-entitled matter will be reopened for the purpose of taking the testimony of Charles Tusa.

Said hearing will be held pursuant to an order of the Civil Aeronautics Board issued December 30, 1940, wherein it was ordered that the hearing in the above-entitled matter be reopened by the Examiner for the purpose of taking the testimony of Charles Tusa.

¹ Issued by the Civil Aeronautics Board.

Said hearing will be held before the undersigned who has heretofore been duly designated by the Chairman of the Civil Aeronautics Board as Examiner in the above-entitled proceeding.

Dated this 31st day of December 1940.

[SEAL]

C. Z. GERMAN,
Examiner.

[F. R. Doc. 41-61; Filed, January 3, 1941;
10:30 a. m.]

[Docket No. 530]

IN THE MATTER OF THE APPLICATION OF
PAN AMERICAN AIRWAYS COMPANY

NOTICE OF ORAL ARGUMENT

The above-entitled proceeding, being the application of Pan American Airways Company for an exemption from the provisions of section 401 (a) of the Civil Aeronautics Act of 1938 insofar as said section would otherwise prohibit said applicant from using Bolama, Portuguese Guinea; Port-of-Spain, Trinidad; San Juan, Puerto Rico; and Hamilton, Bermuda, as intermediate points on west-bound flights conducted pursuant to its certificate of public convenience and necessity issued in Docket No. 163, said exemption to remain in effect pending final disposition of the application for an amendment of said certificate Docket No. 500, is assigned for oral argument before the Board, Room 5044 Commerce Building, Washington, D. C., on January 7, 1941, 10 o'clock a. m. (Eastern Standard Time).

December 31, 1940.

By the Civil Aeronautics Board.

[SEAL]

THOMAS G. EARLY,
Secretary.

[F. R. Doc. 41-62; Filed, January 3, 1941;
10:30 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

NOTICE OF HEARING ON MINIMUM WAGE
RECOMMENDATION OF INDUSTRY COM-
MITTEE NO. 17 FOR THE JEWELRY MANU-
FACTURING INDUSTRY

Whereas the Administrator of the Wage and Hour Division of the United States Department of Labor, acting pursuant to section 5 (b) of the Fair Labor Standards Act of 1938, on October 23, 1940, by Administrative Order No. 66, appointed Industry Committee No. 17 for the Jewelry Manufacturing Industry, composed of an equal number of representatives of the public, employers in the industry and employees in the industry, such representatives having been appointed with due regard to the geographical regions in which the industry is carried on; and

Whereas Industry Committee No. 17, on December 17, 1940, recommended minimum wage rates for the Jewelry Manufacturing Industry and duly

adopted a report containing such recommendations and reasons therefore, and filed such report with the Administrator on December 18, 1940, pursuant to section 8 (d) of the Act and § 511.19 of the Regulations issued under the Act; and

Whereas the Administrator is required by section 8 (d) of the Act, after due notice to interested persons and giving them an opportunity to be heard, to approve and carry into effect by order the recommendations of Industry Committee No. 17 if he finds that such recommendations are made in accordance with law and are supported by the evidence adduced at the hearing before him and taking into consideration the same factors as are required to be considered by the Industry Committee, will carry out the purposes of section 8 of the Act; and, if he finds otherwise, to disapprove such recommendations; and

Whereas section 8 (f) of the Act provides that wage orders "shall contain such terms and conditions as the Administrator finds necessary to carry out the purposes of such orders, to prevent the circumvention or evasion thereof, and to safeguard the minimum wage rates established therein;" and

Whereas there are employees employed in homes in the production of jewelry for commerce;

Now, therefore, notice is hereby given that;

I. The recommendations of Industry Committee No. 17 are as follows:

(1) A minimum wage rate of 40 cents per hour be established for all workers employed in the manufacturing, processing or assembling of watch cases made of any material.

(2) A minimum wage rate of 40 cents per hour be established for all workers employed in the manufacturing, cutting, polishing, encrusting, or engraving of precious, semi-precious, synthetic or imitation stones.

(3) A minimum wage rate of 40 cents per hour be established for all workers employed in the manufacturing, processing or assembling of precious jewelry. Precious jewelry as used herein means jewelry made of platinum or gold of 10 karat fineness or better, or jewelry containing precious stones such as diamonds, pearls, zircons, emeralds, rubies, garnets, etc.

(4) A minimum wage rate of 35 cents per hour be established for all workers employed in the production of all other products covered by the definition of this industry.

II. The definition of the Jewelry Manufacturing Industry as set forth in Administrative Order No. 66, issued October 23, 1940, and redefined in Administrative Order No. 74, dated November 26, 1940, is as follows:

(a) The manufacturing, processing, or assembling, wholly or partially from any material, of jewelry, commonly or commercially so known. Jewelry as used

herein includes, without limitation, religious, school, college, and fraternal insignia; articles of ornament or adornment designed to be worn on apparel or carried on or about the person, including, without limitation, cigar and cigarette cases, holders and lighters, watch cases, metal mesh bags and metal watch bracelets; and chain, mesh, and parts for use in the manufacture of any of the articles included in this definition. Jewelry as used herein does not include pocket knives, cigar cutters, badges, emblems, military and naval insignia, belt buckles, and handbag and pocketbook frames and clasps, or commercial compacts and vanity cases, except when made from or embellished with precious metals or precious, semi-precious, synthetic or imitation stones; and the assaying, refining, and smelting of base or precious metals.

The term "parts" as used in the foregoing paragraph does not include parts which are used predominantly for products other than jewelry, such as springs, blades, and nail files. The term "commercial compacts and vanity cases" as used means compacts and vanity cases which bear the trade name or mark of a cosmetic manufacturer and are made for the purpose of distributing and advertising said cosmetics.

(b) The manufacturing, cutting, polishing, encrusting, engraving, and setting of precious, semi-precious, synthetic, and imitation stones.

(c) The manufacturing, drilling, and stringing of pearls, imitation pearls, and beads designed for use in the manufacture of jewelry.

III. The full text of the report and recommendation of Industry Committee No. 17, together with any dissenting statements which may be filed by a member subsequent to the date of this notice, are and will be available for inspection by any person between the hours of 9:00 A. M. and 4:30 P. M. at the following offices of the United States Department of Labor, Wage and Hour Division:

Boston, Massachusetts,
Walker Building,
120 Boylston Street.

New York, New York,
Parcel Post Building,
30th Street & 9th Avenue.

Philadelphia, Pennsylvania,
1216 Widener Building,
Chestnut & Juniper Streets.

Pittsburgh, Pennsylvania,
216 Old Post Office Building.

Newark, New Jersey,
1004 Kinney Building,
790 Broad Street.

Richmond, Virginia,
215 Richmond Trust Building,
627 East Main Street.

Baltimore, Maryland,
606 Snow Building,
Calvert & Lombard Streets.

Columbia, South Carolina,
Federal Land Bank Building,
Hampton & Marion Streets.

Raleigh, North Carolina,
507 Raleigh Building,
Hargett & Fayetteville Streets.

Atlanta, Georgia,
Witt Building,
249 Peachtree Street,

Jacksonville, Florida,
New Post Office Building.

Birmingham, Alabama,
Comer Building,
2nd Avenue & 21st Street.

New Orleans, Louisiana,
Pere Marquette Building,
150 Baronne Street.

Nashville, Tennessee,
Medical Arts Building,
119 Seventh Avenue, N.

Cleveland, Ohio,
Standard Building,
1370 Ontario Street.

Cincinnati, Ohio,
Cincinnati Traction Building,
5th & Walnut Street.

Chicago, Illinois,
1200 Merchandise Mart,
222 West North Bank Drive.

Minneapolis, Minnesota,
406 Pence Building,
730 Hennepin Avenue.

St. Louis, Missouri,
100 Old Custom House Building,
815 Olive Street.

Denver, Colorado,
Chamber of Commerce Building,
1726 Champa Street.

Dallas, Texas,
824 Santa Fe Building,
1114 Commerce Street.

San Francisco, California,
Room 500,
785 Market Street.

Los Angeles, California,
338 H. W. Hellman Building,
354 South Spring Street.

San Juan, Puerto Rico,
Post Office Box 112.

Seattle, Washington,
305 Post Office Building,
3rd Avenue and Union Street.

Juneau, Alaska,
D. B. Stewart,
Commissioner of Mines.

Washington, District of Columbia,
Department of Labor, 4th Floor.

Kansas City, Missouri,
504 Title & Trust Building,
10th & Walnut Streets.

Copies of the Committee's report and recommendation, together with any dissenting statements which may be filed by a member subsequent to the date of this notice, may be obtained by any person upon request addressed to the Ad-

ministrator of the Wage and Hour Division, Department of Labor, Washington, D. C.

IV. A public hearing will be held on January 21, 1941, before Henry T. Hunt, Esquire, Principal Hearings Examiner of the Wage and Hour Division, United States Department of Labor, as presiding officer, at 10:00 A. M. in Room 3229 of the United States Department of Labor Building at Washington, D. C., for the purpose of taking evidence on the following questions:

1. Whether the recommendations of Industry Committee No. 17 shall be approved or disapproved; and

2. In the event an order is issued approving the recommendations, what, if any, prohibition, restriction or regulation of home work in this industry is necessary to carry out the purposes of such order, to prevent the circumvention or evasion thereof, and to safeguard the minimum wage rates established therein.

V. Any interested person, supporting or opposing the recommendation of Industry Committee No. 17, may appear at the aforesaid hearing to offer evidence, either on his own behalf or on behalf of any other person; *Provided*, That not later than January 14, 1941, any such person shall file with the Administrator at Washington, D. C., a notice of his intent to appear which shall contain the following information:

1. The name and address of the person appearing.

2. If such person is appearing in a representative capacity, the name and address of the person or persons whom he is representing.

3. Whether such person proposes to appear for or against the recommendation of Industry Committee No. 17.

4. The approximate length of time requested for his presentation.

Such notice may be mailed to the Administrator, Wage and Hour Division, United States Department of Labor, Washington, D. C., and shall be deemed filed upon receipt thereof.

VI. Any person interested in supporting or opposing the recommendation of Industry Committee No. 17 may secure further information concerning the aforesaid hearing by inquiry directed to the Administrator, Wage and Hour Division, United States Department of Labor, Washington, D. C., or by consulting with attorneys representing the Administrator who will be available for that purpose at the offices of the Wage and Hour Division in Washington, D. C.

VII. Copies of the following documents relating to the Jewelry Manufacturing Industry will be made available upon request for inspection by any interested person who intends to appear at the aforesaid hearing:

U. S. Department of Labor, Bureau of Labor Statistics, Division of Wage and Hour Statistics, *Earnings and Hours in*

the Jewelry Manufacturing Industry, February, 1940.

U. S. Department of Labor, Wage and Hour Division, Research and Statistics Branch, *Report on the Jewelry Manufacturing Industry*, November, 1940.

U. S. Department of Labor, Bureau of Labor Statistics, Monthly Labor Review, *Differences in Living Costs in Northern and Southern Cities*, July 1939.

VIII. The hearing will be conducted in accordance with the following rules, subject, however, to such subsequent modifications by the Administrator or the Principal Hearings Examiner as are deemed appropriate:

1. The hearing shall be stenographically reported and a transcript made which will be available to any person at prescribed rates upon request made to the official reporter, Electric Reporting Service, 1707 Eye Street NW., Washington, D. C.

2. In order to maintain orderly and expeditious procedure, each person filing a Notice to Appear shall be notified, if practicable, of the approximate day and the place at which he may offer evidence at the hearing. If such person does not appear at the time set in the notice he will not be permitted to offer evidence at any other time except by special permission of the presiding officer.

3. At the discretion of the presiding officer the hearing may be continued from day to day, or adjourned to a later date, or to a different place, by announcement thereof at the hearing by the presiding officer, or by other appropriate notice.

4. At any stage of the hearing, the presiding officer may call for further evidence upon any matter. After the presiding officer has closed the hearing before him, no further evidence shall be taken, except at the request of the Administrator, unless provision has been made at the hearing for the later receipt of such evidence. In the event that the Administrator shall cause the hearing to be reopened for the purpose of receiving further evidence, due and reasonable notice of the time and place fixed for such taking of testimony shall be given to all persons who have filed a notice of intention to appear at the hearing.

5. All evidence must be presented under oath or affirmation.

6. Written documents or exhibits, except as otherwise permitted by the presiding officer, must be offered in evidence by a person who is prepared to testify as to the authenticity and trustworthiness thereof, and who shall, at the time of offering the documentary exhibit, make a brief statement as to the contents and manner of preparation thereof.

7. Written documents and exhibits shall be tendered in duplicate and the persons preparing the same shall be prepared to supply additional copies if such are ordered by the presiding officer. When evidence is embraced in a document containing matter not intended to

be put in evidence, such a document will not be received, but the person offering the same may present to the presiding officer the original document together with two copies of those portions of the document intended to be put in evidence. Upon presentation of such copies in proper form the copies will be received in evidence.

8. Subpoenas requiring the attendance of witnesses or the presentation of a document from any place in the United States at any designated place of hearing may be issued by the Administrator at his discretion, and any person appearing in the proceeding may apply in writing for the issuance by the Administrator of the subpoena. Such application shall be timely and shall identify exactly the witness or document and state fully the nature of the evidence proposed to be secured.

9. Witnesses summoned by the Administrator shall be paid the same fees and mileage as are paid witnesses in the courts of the United States. Witness fees and mileage shall be paid by the party at whose instance witnesses appear, and the Administrator before issuing subpoena may require a deposit of an amount adequate to cover the fees and mileage involved.

10. The rules of evidence prevailing in the courts of law or equity shall not be controlling.

11. The presiding officer may, at his discretion, permit any person appearing in the proceeding to cross-examine any witness offered by another person in so far as is practicable, and to object to the admission or exclusion of evidence by the presiding officer. Requests for permission to cross-examine a witness offered by another person and objections to the admission or exclusion of evidence shall be stated briefly with the reasons for such request or the ground of objection relied on. Such requests or objections shall become a part of the record, but this record shall not include argument thereon except as ordered by the presiding officer. Objections to the approval of the Committee's recommendation and to the promulgation of a wage order based upon such approval must be made at the hearing before the presiding officer.

12. Before the close of the hearing, the presiding officer shall receive written requests from persons appearing in the proceeding for permission to make oral arguments before the Administrator upon the matter in issue. These requests will be forwarded to the Administrator by the presiding officer with the record of the proceedings. If the Administrator, in his discretion, allows the request, he shall give such notice thereof as he deems suitable to all persons appearing in the proceedings, and shall designate the time and place at which the oral arguments shall be heard. If such requests are allowed, all persons appearing at the hearing will be given opportunity to present oral argument.

No. 3—7

13. Briefs (12 copies) may be submitted to the Administrator following the close of the hearing, by any persons appearing therein. Notice of the final dates for filing such briefs shall be given by the Administrator in such manner as shall be deemed suitable by him.

14. On the close of the hearing the presiding officer shall forthwith file a complete record of the proceedings with the Administrator. The presiding officer shall not file an intermediate report unless so directed by the Administrator. If a report is filed, it shall be advisory only and have no binding effect upon the Administrator.

15. No order issued as a result of the hearing will take effect until after due notice is given of the issuance thereof by publication in the FEDERAL REGISTER.

Signed at Washington, D. C., this 3d day of January 1941.

PHILIP B. FLEMING,
Administrator.

[F. R. Doc. 41-81; Filed, January 3, 1941;
12:09 p. m.]

FEDERAL POWER COMMISSION.

[Docket Nos. G-183 and G-190]

IN THE MATTER OF HOME GAS COMPANY ORDER POSTPONING DATE OF HEARING

JANUARY 2, 1941.

Commissioners: Claude L. Draper, Acting Chairman; Basil Manly, John W. Scott and Clyde L. Seavey. Leland Olds not participating.

Upon consideration of an application filed December 30, 1940, by Home Gas Company, requesting a postponement of the date of hearing set in Docket No. G-183 for January 9, 1941;

It appearing to the Commission that:

(a) Said application for postponement contains a stipulation that the Commission may extend suspension of Home Gas Company Rate Schedules FPC Nos. 18 and 19 beyond February 21, 1941, for a period corresponding to the period beyond January 9, 1941, to which the hearing in Docket No. G-183 may be adjourned pursuant to said application;

(b) Good cause having been shown for such postponement; The Commission orders that:

(A) The public hearings heretofore set for January 9, 1941, in Docket Nos. G-183 and G-190 be, and the same are hereby postponed until February 3, 1941, at the same time and place originally prescribed;

(B) Paragraph (B) of the Commission's order of September 20, 1940, in Docket No. G-183, be, and it is hereby amended to read as follows:

Pending such hearing and decision thereon, the schedules of increased rates or charges contained in said Rate Sched-

ules FPC Nos. 18 and 19, except insofar as they may provide for natural gas for resale for ultimate public consumption for industrial use, be and they are hereby suspended until March 18, 1941, or until such time as said schedules shall have been made effective in the manner prescribed by section 4 (e) of the Natural Gas Act;

(C) In all other respects, the orders of the Commission herein shall remain and continue in full force and effect.

By the Commission.

[SEAL]

LEON M. FUQUAY,
Secretary.

[F. R. Doc. 41-69; Filed, January 3, 1941;
11:25 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-155]

IN THE MATTER OF NORTHERN STATES
POWER COMPANY (DELAWARE) AND
NORTHERN STATES POWER COMPANY
(MINNESOTA)

INTERIM ORDER RELATING TO EFFECTIVENESS OF DECLARATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 30th day of December, A. D. 1940.

A joint declaration and amendments thereto having been filed pursuant to section 12 (b) of the Public Utility Holding Company Act of 1935 and Rule U-12B-1 promulgated pursuant thereto, by Northern States Power Company (Minnesota), a registered holding company and a public utility company, and by its parent, Northern States Power Company (Delaware), a registered holding company, regarding the waiver by the first named company of the payment of interest charges accruing on and after July 1, 1940, on an open account indebtedness of \$8,526,037.79 and the same as may be reduced from time to time by payment on the principal sum by Northern States Power Company (Delaware); and

A public hearing having been held after appropriate notice, and the Commission having considered the record; and having this day issued its Interim Findings and Opinion;

It is ordered, That said declaration insofar as it relates to the waiver of an interest payment due on December 31, 1940, be and the same hereby is permitted to become effective;

It is further ordered, That declarants may, within twenty days of the date hereof, file briefs in support of the balance of the said declaration and request oral argument thereon.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-73; Filed, January 3, 1941;
11:31 a. m.]

[File No. 812-102]

IN THE MATTER OF INVESTORS SYNDICATE
AND INVESTORS SYNDICATE OF AMERICA,
INC.NOTICE OF AND ORDER FOR HEARING AND ORDER
OF TEMPORARY EXEMPTION

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 31st day of December, A. D. 1940.

Investors Syndicate and Investors Syndicate of America, Inc., both registered face-amount certificate companies, have filed a joint application under sections 6 (c) and 17 (b) of the Investment Company Act of 1940 for an order exempting from the provisions of sections 17 (a) (1) and 17 (a) (2) of said Act certain proposed transactions between the two applicants, and for an order temporarily exempting such transactions pending final disposition of said application.

The transactions as to which the applicants seek exemption are the sale or assignment by Investors Syndicate to Investors Syndicate of America, Inc. of certain mortgages and other obligations secured by real estate, at prices representing 101½% of the principal amount of each mortgage or other obligation involved plus a service fee equivalent to 1/24 of 1% per month of the unpaid principal balance of such mortgage or other obligation.

It appears prima facie that the terms of the proposed transactions, including the consideration to be paid or received, if effected as recited above, are reasonable and fair and do not involve over-reaching on the part of any person concerned, and that such proposed transactions are consistent with the policy of both applicants and with the general purposes of the Investment Company Act of 1940.

Said application is verified under oath on behalf of both applicants, who have waived hearing and argument and have agreed that the application may be considered on the facts stated therein and exhibits thereto and other public records of the Commission.

It appears consistent with and appropriate in the public interest to issue an order exempting the transactions aforesaid pending final action by the Commission on the application for other or further exemption and to hold a public hearing on the application for further or other exemption.

Wherefore it is ordered, That a hearing on said application be held on Monday, January 27, 1941, at 10 o'clock in the forenoon of that day in the Securities and Exchange Commission Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing room clerk in Room 1102 will advise interested persons where such hearing will be held.

It is further ordered, That Willis E. Monty, Esq. or any other officer or officers of the Commission designated by it for that purpose, shall preside at the hearing. The officer so designated is hereby authorized to exercise all the powers granted to the Commission under Sections 41 and 42 of the Investment Company Act of 1940 and to a trial examiner under the Commission's Rules of Practice.

It is further ordered, That, pending the final disposition of said application or the prior order of the Commission, the sale or assignment from time to time by Investors Syndicate to Investors Syndicate of America, Inc., and the purchase by Investors Syndicate of America, Inc. from Investors Syndicate of mortgages or other first liens on real estate, loans secured by such mortgages or other first liens, and instruments, if any, evidencing such loans, be, and the same are hereby exempted from the provisions of sections 17 (a) (1) and 17 (a) (2) of the Investment Company Act of 1940, subject to the following terms and conditions:

1. All such mortgages, first liens and mortgage loans shall be qualified investments for registered face-amount certificate companies, within the meaning of section 28 (b) of the Investment Company Act of 1940.

2. No mortgage or mortgage loan, or other first lien, on real estate shall be acquired from Investors Syndicate by Investors Syndicate of America, Inc. after the expiration of more than 90 days (a) from the date when the loan is completed, the papers and documents executed and delivered and filed and/or recorded, as required, and all other acts done necessary to perfect the lien of the mortgage or other lien instrument and title thereto and to the loan in said Investors Syndicate, and (b) in case of mortgage loans insured by the Federal Housing Administrator, from the date when such mortgage insurance becomes effective.

3. No mortgage or mortgage loan, or other first lien, on real estate, representing or resulting from a refinancing of any delinquent loan held by Investors Syndicate or from the sale of any real estate of Investors Syndicate shall be acquired from it by Investors Syndicate of America, Inc.; nor shall any mortgage be acquired by Investors Syndicate of America, Inc., if the borrower, mortgagor or obligor under such mortgage, or the equitable owner of the real estate securing such mortgage or loan, is an affiliated person of either applicant herein.

4. Investors Syndicate of America, Inc., shall neither make any payment to nor be subjected to any fees, commissions, charges, costs or expenses by Investors Syndicate or any affiliated person thereof on account of any such mortgage transaction or the servicing of any such mort-

gage or mortgage loan, or other lien, exclusive of costs, disbursements and expenses exempted by this order, except (a) an amount which may be charged by Investors Syndicate as a single premium payable at the time of transfer or sale, not to exceed 1½% of the principal amount of the loan and mortgage involved in the transfer, or the cost thereof to Investors Syndicate if acquired at a discount, and (b) a charge made each calendar month by Investors Syndicate to Investors Syndicate of America, Inc., of not to exceed 1/24 of 1% of the principal balance on the first day of such month of each loan and mortgage or other first lien on real estate serviced by Investors Syndicate for Investors Syndicate of America, Inc.

5. Pending final disposition of the application herein, Investors Syndicate and Investors Syndicate of America, Inc., shall jointly file with this Commission before the 15th day of each calendar month a statement showing the transactions by and between them as principals, completed during the next preceding calendar month, in such form, manner and detail as the Commission shall from time to time require.

6. The Commission may, on not more than three days' notice to the applicants herein, revoke, modify or suspend this order.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-71; Filed, January 3, 1941;
11:30 a. m.]

[File No. 1-1481]

IN THE MATTER OF SOUTHERN PACIFIC
GOLDEN GATE COMPANY \$1.50 CUMULATIVE
CLASS A STOCK, NO PAR VALUE;
CLASS B STOCK, NO PAR VALUE

ORDER POSTPONING HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 2nd day of January, A. D. 1941.

The San Francisco Stock Exchange, pursuant to section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule X-12D2-1 (b) promulgated thereunder, having made application to strike from listing and registration the \$1.50 Cumulative Class A Stock, No Par Value, and Class B Stock, No Par Value, of Southern Pacific Golden Gate Company; and

The Commission having ordered that a hearing be held in this matter on January 13, 1941, in San Francisco, California; and

It being found necessary to postpone said hearing;

It is ordered, That said hearing be postponed until 10 A. M. on Tuesday,

January 28, 1941 at the office of the Securities and Exchange Commission, 625 Market Street, San Francisco, California, and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

It is further ordered, That John G. Clarkson, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-70; Filed, January 3, 1941;
11:30 a. m.]

[File No. 70-91]

IN THE MATTER OF CALIFORNIA PUBLIC
SERVICE COMPANY, PEOPLES LIGHT AND
POWER COMPANY

AMENDATORY ORDER ¹

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 2d day of January, A. D. 1941.

The Commission having issued on December 20, 1940 an order in this matter; the last paragraph of said order containing the following clause:

"* * * that within fifteen days from the date of this order certified copies of orders or amendments to the previously issued orders of the Railroad Commission of the State of California and the Public Utilities Commissioner of Oregon authorizing the issuance and

sale of an additional 2,000 shares of common stock for \$50,000 be filed in this proceeding."

The parties having represented that it will be impossible to comply with said condition within that time and having requested that said condition be modified so as to permit 45 days for compliance therewith; and

It appearing to the Commission that the granting of such an extension of time to take all such requisite steps and to obtain said orders or amendments is appropriate in the public interest;

It is ordered, That said clause in the last paragraph of the previous order be, and the same hereby is, amended by striking therefrom the word "fifteen" and inserting the words "forty-five."

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-72; Filed, January 3, 1941;
11:30 a. m.]

¹ Public Utility Holding Company Act of 1935, sections 6 (b) and 10; Rule U-D-1.

